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U. S. DEPARTMENT OF LABOR

JAMES J. DAVIS, Secretary

CHILDREN'S BUREAU

GRACE ABBOTT, Chief

# ADMINISTRATION OF CHILD LABOR LAWS

## PART 5

STANDARDS APPLICABLE TO THE ADMINISTRATION  
OF EMPLOYMENT-CERTIFICATE SYSTEMS

By

HELEN SUMNER WOODBURY, Ph. D.

Bureau Publication No. 133



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WASHINGTON  
GOVERNMENT PRINTING OFFICE  
1924



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**OFFICIALS AUTHORIZED BY LAW TO ISSUE  
REGULAR EMPLOYMENT CERTIFICATES TO CHILDREN GOING TO WORK.**  
[Jan.1,1924.]



- Local school authorities have coordinate authority outside Baltimore.
- ▲ State Board of Education, through its power to enforce the certificate law, has the issuance under its control.
- Also by State Commissioner of Labor and Statistics; in practice all certificates are issued by this official, proof of age being forwarded to him by the school authorities.
- Also by superintendent or principal of a parochial school.
- Also by State Superintendent of Public Instruction.
- \* Also by judges. In Washington, Industrial Welfare Committee of State Department of Labor has the duty of supervising the administration of the law, and, in practice, also issues certificates.
- ⬆ Permit issued on account of poverty.



## CONTENTS.

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	Page.
Letter of transmittal.....	vii
Purpose and method of study.....	1
Relation of legal standards to enforcement.....	8-17
Minimum-age standards.....	8
Other standards.....	12
Employment-certificate provisions.....	14
General administration of an employment-certificate system.....	18-44
Certificate-issuing officers.....	19
Delegation of authority.....	26
Administrative discretion.....	28
State supervision.....	32
Requirements for obtaining certificates.....	45-123
Appearance in person of child and parent.....	46
Promise of employment.....	49
Evidence of age.....	53-73
Birth certificates.....	55
Baptismal certificates.....	60
Other documentary evidence.....	62
Physician's certificate of age.....	67
Order of preference.....	70
Physical requirements.....	73-97
Examining physicians.....	74
Discretion of issuing officers.....	78
Physician's certificates for all children.....	80
Character of examination.....	83
Action as to defects.....	84
Reexaminations.....	91
State supervision.....	94
Educational requirements.....	97-123
School records.....	99
Grade requirements.....	107
Examinations at issuing office.....	111
Attendance requirements.....	117
Mentally defective children.....	120
Methods of issuing certificates.....	124-175
Kinds of employment certificates.....	126
Instruction of children.....	130
Regular original certificates.....	133
Regular subsequent certificates.....	143
Temporary certificates.....	148
Vacation certificates.....	150
Duplicates of lost certificates.....	152
Statements of age.....	153
Unemployed children.....	155
Records and reports.....	164

	Page
Methods of enforcing school attendance.....	176-199
Relation of school and employment ages.....	177
School-attendance department .....	180
Methods of locating children.....	183-188
School census.....	183
Other methods.....	188
Methods of keeping children in school.....	190-192
School-exemption certificates.....	190
Applicants for certificates.....	192
Attendance of unemployed children.....	193
Continuation and evening school attendance.....	193
Industrial inspection.....	200-220
Organization .....	200
Methods.....	201
Records and reports.....	221
Prosecutions and penalties.....	222
Appendix.—Provisions of State Laws for Methods of Certificate Issuance (chart) .....	227
Map.—Officials authorized by law to issue regular employment certificates to children going to work.....	IV

## LETTER OF TRANSMITTAL.

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U. S. DEPARTMENT OF LABOR,  
CHILDREN'S BUREAU,  
*Washington, May 25, 1923.*

SIR: There is transmitted herewith a study of the Administration of Child Labor Laws, Part 5, by Dr. Helen Summer Woodbury, the plans for which were made during the period that Julia C. Lathrop was Chief of the Children's Bureau.

Doctor Woodbury reports that special acknowledgement is due to Ethel E. Hanks, Bennett L. Mead, Ella A. Merritt, Francis H. Bird, and Arthur V. Parsons for assistance in collecting and organizing the material upon which the report is based.

The material for chart and map showing the provisions of law relating to methods of certificate issuance was prepared by Miss Ella A. Merritt.

Respectfully submitted.

•GRACE ABBOTT, *Chief.*

HON. JAMES J. DAVIS,  
*Secretary of Labor.*



# ADMINISTRATION OF CHILD LABOR LAWS.

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## PURPOSE AND METHOD OF STUDY.

The purpose of this report is to discuss what are the best methods of enforcing child labor laws, more particularly employment-certificate systems. No attempt is made to throw any light upon the legal standards which a child should have attained before the community can safely permit him to become a wage earner. Instead attention is focused on the methods of enforcing such standards as may have been adopted. The study starts with the assumption that whatever standards a State has adopted it intends shall be put into effect in such a way that in actual practice every child within its borders shall receive whatever protection those standards afford against too early or too hard labor. Sincerity of intention being taken for granted, an effort is made to analyze the tests which the enforcement provisions of a child labor law and the measures adopted in the administration of these provisions should meet if all the children of the State are actually to receive the protection, whether adequate or inadequate, to which the law has given them a right. The report is, therefore, an effort to point the way toward the establishment of certain principles of good administration and toward the standardization of methods of enforcing child labor laws.

The four preceding reports in this series dealt with the administration of employment-certificate systems in Connecticut, New York, Maryland, and Wisconsin. In addition, detailed field investigations of the subject were made by special agents of the Children's Bureau under the supervision of the author in Ohio and Massachusetts, and in five cities in as many other States—Philadelphia, Newark, Providence, St. Louis, and New Orleans. In each of the six States studied half a dozen or more different cities and towns were visited. These States and cities were chosen with a view to showing how different laws and methods, all of them believed to have special points of excellence, work out in practice. Other States may have as good laws and as good methods of administration, but few of them have any especially excellent feature not possessed by one or another of these States. In addition, brief surveys were made of the employment-certificate systems in effect in Detroit, Minneapolis, and Louisville, and in the State of Virginia. The bureau's studies, therefore, have brought together a large amount of concrete information as to methods in actual use in some 15 States. Upon this information is based the present report, which attempts to give, not a description of any one sys-

tem or a summary of the various systems, but a practical analysis of the most important features of successful methods of enforcing child labor laws, especially the essentials of an effective employment-certificate system, the corner stone of all child labor law enforcement.

That special attention to this subject is much needed has long been recognized. But if evidence were required to prove that the enforcement of a law prohibiting child labor is no more automatic than is the enforcement of a law prohibiting the liquor traffic, such evidence was furnished in abundance during the brief existence of the child labor division of the Children's Bureau, which was organized to enforce the first Federal child labor law.<sup>1</sup> In the course of a few months many violations, not only of the United States law but of State laws, were discovered by the Federal inspectors.

Many children were found working without employment certificates of any kind—some of them children under 14 and therefore too young to obtain certificates and some of them children of certificate age. No certificates were held in two States by one-half of the children under 16 found at work, in another State by nearly one-third of those found working about coal mines, and in still another by one-third of those found in glass factories and by more than two-thirds of the boys found in shipyards engaged in work on Government orders. In one State it was found that the canners generally did not understand that the State law required them to have certificates, and in another no certificates were found on file in canneries.

Inspectors found, moreover, that in some States and some industries very young children, a considerable number of them only 7, 8, or 9 years of age, and many children under 14, were being employed in violation of both the State and the Federal laws. In the canneries visited in one State more than two-fifths, and in those visited in another about two-thirds, of all the children under 16 were less than 14 years of age. In these two States alone 1,060 children under 14—at least 10 of them only 5 years old or younger and 7 only 6 years of age—were found working in canneries. In one State, moreover, in 1910 children 5 years of age and 9 aged 6 years were found employed in glass factories; in another, in 95 glass and pottery factories, 99 children under the age of 14 were found, one of them being only 8 and in another only 9 years old.

Many of the older children found employed without certificates had claimed to be over 16 years of age, and parents' affidavits of age were frequently kept by employers to prove that the children in the employ did not need employment certificates. In one shipbuilding plant an investigation made by an official of the plant into the ages of all the children who were working on parents' affidavits declar-

<sup>1</sup> See Administration of the First Federal Child Labor Law, pp. 55-161, passim. U. S. Children's Bureau Publication No. 78. Washington, 1921.



them to be over 16 resulted in the discharge of 40 boys found to be actually under that age. Such affidavits alone were, of course, no protection to the employers, but often the same evidence presented to an issuing officer would secure for the child an employment certificate. In most of the States, indeed, in which State certificates were accepted as proving compliance with the Federal law and in which inspections were made, children were found at work on State-issued employment certificates declaring them to be over 14 years of age when actually they were not yet 14. In one State which had a weak certificate law about three-fourths of the certificates on file were revoked because they were found to have been illegally or incorrectly issued. And even in one State which had a decidedly progressive employment certificate law, about one certificate in every five was so defective that it had to be suspended. In part this was due to failure to require adequate evidence of age. In many places parents' affidavits were accepted contrary to law, and in many others school records were considered sufficient evidence of age, though contemporary family records or framed baptismal certificates were found in the children's homes by the Federal inspectors. In part, however, the granting of certificates to under-age children appears to have been due either to gross ignorance or to deliberate violation of the law on the part of issuing officers.

Although the Federal inspectors were concerned primarily with evidence of age, they found incidentally that in many places issuing officers failed to enforce the other requirements for a certificate. In States in which all applicants were required by law to present evidence of physical fitness, children frequently were not given physical examinations, in many places because no provision had been made to have them examined at public expense and it was considered too great a hardship to oblige them to pay for the services of a private physician. As to the enforcement of the educational requirements, comparatively little direct evidence was obtained. But in canneries in one State in which children were required by law to be able to read and write English, several certificates were found which had been signed with crosses because the children were unable to write their own names. In other words, it was found that the carelessness or indifference of certificate-issuing officials frequently defeated the purpose not only of the minimum-age standards but also of the physical and educational requirements of child labor laws which seemed on the surface to be comparatively good.

Furthermore, even disregarding the cases in which illegally issued certificates naturally resulted in employment for illegal hours, violations of provisions relating to hours of labor and to night work were found to be, if anything, more common than violations of provisions relating to age and to employment certificates. And in many

communities neither the certificate system nor the factory-inspection system seemed to offer young children protection against employment in occupations which subjected them to excessive dangers to life and limb, as well as to health.

Wide variations were found in different localities in the same State in the care with which certificates were issued. In the large cities the work of certification of child workers was usually carried on with at least some degree of system. But in many of the small towns the certificating law was either entirely disregarded or was so carelessly administered as to be of little value. In one section of a State which boasts especially high standards for the employment of children, it was found that certificates were carelessly and often illegally issued and that no attempt was made to use them to prevent the illegal employment of children in occupations where they were exposed to lead poisoning, to injurious dusts, or to extremes of heat and cold. Illegally issued papers were accepted by employers and filed as evidence of compliance with the employment certificate law.

Similar conditions were found in a number of other States. In more than one State, too, school superintendents were discovered who considered themselves justified, either because of the poverty of the families or because the factories needed help, in issuing employment certificates to children who were under age. In some cases issuing officers were even found to have taken upon themselves responsibility for issuing special vacation certificates not authorized by law. And some superintendents had felt themselves justified in issuing certificates to under-age children for work during vacation on the theory that they were better off at work than idle during the summer months. These superintendents failed to consider, of course, the physical hazards of the work into which some of the children were going; for example, work in a dusty room of a pottery or in a hot furnace room of a glass factory.

Although this is not a study of the standards which should be set up by law for the employment of children, but of the methods of enforcement, a brief outline of the principal kinds of regulation by which these methods are commonly called upon to enforce is essential to an understanding of the methods themselves.<sup>2</sup> In most States the principal legal standards to be enforced—outside of standards for work in street trades and on the stage, which are special problems not covered by this report—relate to: (1) Minimum ages for em-

<sup>2</sup> For a statement of minimum standards, see *Minimum Standards for Child Welfare*, U. S. Children's Bureau Publication No. 62. Washington, 1920, p. 4. For standards found in State laws, see *State Child-Labor Standards*, January 1, 1921, and *State Compulsory School-Attendance Standards Affecting the Employment of Minors*, January 1921. U. S. Children's Bureau Legal Charts Nos. 1 and 2 (with addenda covering more recent laws).



employment in various occupations and at various times; (2) physical, and (3) educational requirements; and regulations as to (4) hours of labor. The age standards are of three chief kinds: (*a*) those which apply to a general list of occupations and establishments, covering often nearly every occupation except domestic service and agricultural pursuits; (*b*) those which apply to the same a more restricted list of occupations during school vacations or out-of-school hours; and (*c*) those which apply to occupations which are considered especially dangerous or injurious for children or for young persons. In some States there is added to these standards the requirement (5) that working children must attend a day continuation or an evening school. And in many the compulsory school attendance law not only establishes a special minimum age for employment during school hours but also requires (6) that working children, when unemployed, return to school and thus creates what is practically an additional regulation of child labor. The methods of enforcing all of these six standards are considered in this report. In the enforcement of these standards the first essential is an effective employment-certificate system, for the employment certificate is official evidence that the age, physical, and educational requirements have been met; at the same time it is evidence of the children whose hours of work should be limited, who should be required to attend continuation or evening school, and who if unemployed should be subject to the provisions of the day-school attendance law. Although few States require certificates up to the highest age to which any regulation applies, all but two or three States require permits of some sort for the employment of children, usually during the two years after they are first permitted to work.

The first three requirements, those relating to minimum age and physical condition and educational status, are usually enforced by providing that the child shall present evidence of their fulfillment before he can secure an employment certificate. Enforcement of these requirements usually depends, therefore, upon the efficiency of the certificate-issuing office. Upon the efficiency of that office also depends the accuracy of the basic information as to age upon which rests the enforcement of the regulations as to hours, dangerous occupations, and school attendance.

For an employment certificate to be effective in enforcing child-labor standards, it is essential, of course, that no children shall be employed without such certificates; and to insure that they shall not be so employed children must be prevented from leaving school for industry, and employers must be prevented from making use of their labor without legal authorization. The three chief functions to be performed in the enforcement of child-labor standards are, therefore, the general administration of the employment-certificate sys-

tem, the enforcement of school attendance, and the inspection of places of employment. Since child labor laws are usually statewide in their application, the supervision by some State agency or local officials charged with the performance of these various functions, including the preparation by some State authority of blank forms for their use, may also be considered as general functions essential to good administration.

This report takes up first the relation of the legal standards here outlined to their enforcement. It then proceeds to a discussion of the general administration of an employment-certificate system, including the very important question of State supervision over the issuance of certificates. The requirements for obtaining certificates and the methods of insuring their fulfillment are next considered, after which the procedure followed in issuing the various kinds of certificates is taken up. In the latter connection are described the many ways in which an employment-certificate system can be made to assist in the enforcement of all the various provisions of a child labor law, not only those relating to legal standards, but also those relating to administration. The relation to the enforcement of child labor laws of the various methods of enforcing school attendance, including regular day-school attendance of children who have never been at work as well as of unemployed children, and also the enforcement of attendance at continuation and evening school, are then considered. This discussion is followed by a description of methods of inspection of industrial establishments for child labor and of the function of prosecutions and penalties, upon the possibility of which the other methods must ultimately depend for their effectiveness.

As the report is designed to show the essential features of good administration, and not to advocate any special system, no particular agency has been designated as the one which should perform any given function, but attention has been centered on the functions to be performed and the requirements for their efficient performance. The efficiency of precise agencies in performing the given function is specially discussed, therefore, only in cases in which, in actual practice, some agency has been assigned a function which it seems inherently unable to perform properly. Similarly, no attempt has been made to specify whether any of the methods recommended should be prescribed by law or should rest merely upon rules and regulations adopted by an administrative agency, except in cases where one or the other plan seems essential to success in enforcement. The relative advantages of these two methods often depend upon local conditions, and each State must decide which will most certainly insure the enforcement of its child labor standards.

Furthermore, no particular standards have been assumed. Many variations in standards, such as differences in age or in grade, involv

differences whatever in methods of enforcement. The method of proving age is the same whatever the age to be proved. Similarly, the method of proving grade standing in school is the same whatever the grade. So far, however, as differences in standards involve differences in methods of enforcement, an effort has been made to describe clearly the essential measures for the enforcement of each different standard. The findings of the report, therefore, are applicable to all States so far as they have legal standards for the employment of children.

In the discussion, finally, an attempt has been made to show not only what are the best methods of enforcement but also why and where certain other methods fail. In some systems the weaknesses are apparent, but in others insidious flaws may mean serious loopholes in a method of enforcement which appears to be excellent. To disclose these loopholes seems essential to a practical exposition of the basic features of a good system of child labor law administration.

## RELATION OF LEGAL STANDARDS TO ENFORCEMENT

The more simple, and at the same time the more clear and definite the legal standards the easier they are of enforcement. Complete, verbose, vague laws with many exemptions are practically impossible to enforce, even when much more effort has been put forth and much more expense has been incurred than would be required to secure practically complete compliance with a simple, clear, and definite law. Many of the difficulties and complications involved in the administration of child labor laws are due to lack of simple, clear standards which administrative officers, employers, parents, and children can easily understand and can therefore be expected to obey. It can not too frequently be emphasized that to be readily enforceable all child labor laws should be so clear that at least their main points can be readily understood not only by lawyers and judges but by all persons who are charged with their administration and, so far as possible, by all persons who must conform to their provisions.

### MINIMUM-AGE STANDARDS.

The most important cause of complexity in child-labor standards and therefore a serious obstacle in the way of their enforcement, is found in limitations upon the application of the laws in which they are contained. Thus the provisions relating to the minimum age for employment, in most States 14, usually apply only to an enumerated list of occupations or places of employment. This may mention only factories and workshops, or it may cover all manufacturing and mechanical and sometimes also mercantile establishments. A few laws contain more or less complete definitions of the terms used. In a number of States a long list of occupations and establishments to which the law applies ends with the phrase "or any gainful occupation," and at least one State prohibits the employment of children by "any person, company, or corporation." Where such phrases are used they might be, but in fact rarely are, interpreted to cover agriculture and domestic service. In many States the labor of children in these occupations is specifically exempted from regulation. Usually, therefore, in agriculture and domestic service, and often in other occupations, there is no minimum age except that for employment during school hours.<sup>3</sup>

<sup>3</sup> See p. 177.



The terms used in the law to determine its inclusiveness do not in all cases, however, tell the whole story. The interpretations of administrative authorities may differ as to what is meant, for example, by "any gainful occupation." "Factory" may or may not be interpreted to include a cannery. In at least one State the term "mechanical establishment" is held to make the law apply to practically all child laborers except newsboys and children employed in agricultural pursuits and domestic service.

The exact application of a law often depends also upon such phrases as "in, about, or in connection with" and "employed, permitted, or suffered to work." In some States the minimum-age standard applies only to employment inside the establishments listed, whereas in others it applies also to employment "about or in connection with" these establishments. In the first group of States the law may be so interpreted that employment outside an establishment, as, for example, in messenger work, in work on grocery or ice wagons, or in the breakers of a mine, is not covered.

The phrase "permitted or suffered to work," though it incidentally extends the application of the prohibition to which it refers, is designed primarily to make each employer responsible for the enforcement of the child labor law in his own establishment. In the absence of such a phrase a workman engaged on piecework in a glass factory, for example, may bring in a child under the minimum age to assist him without imposing upon his employer any responsibility for the child's labor. In such a case it is impracticable to sue the workman, and the employer is generally considered not liable under the law because he did not hire the child. Where the phrase "permitted or suffered to work" is found, however, no employer in whose establishment an under-age child is found at work can plead innocence of a violation of the child labor laws, even though he claims that the child was not employed by him and was even forbidden to work; it is sufficient for the inspector to prove that the child was "suffered" to work.

Children working for their parents are not often specifically exempted from the age standard for employment, and if they are working for remuneration are generally considered as coming under the child labor laws. The term "gainful occupation," moreover, in some States is interpreted broadly by the administrative authorities or the courts to cover occupations which are gainful for anyone concerned regardless of whether the child receives any remuneration for his labor. In certain States children who are assisting their parents in a small shop, for example, may be brought under the law even though the work has no wage basis whatever. Usually in such cases, however, the administrative authority attempts to decide

in each instance whether the relation is primarily that of parent and child or that of master and servant, and brings pressure only where it finds that the purposes of the child labor law are being violated by the parent's use of his child's labor. In most States a child working for his parent without remuneration is subject only to the compulsory school attendance law, regardless of whether he is waiting on customers in his father's store or is doing domestic chores at home. Even where, as in one or two States, the minimum-age standard is applied to domestic service,<sup>4</sup> it is limited to children employed for some sort of remuneration outside their own homes. And in a few States parents are permitted by law to use the labor of their children, however young, in any sort of establishment which they own and operate so long as they do not violate the laws relating to compulsory school attendance or dangerous occupations.

One of the most important questions concerning the relation of legal standards to their enforcement is whether they apply to children employed in their own homes on factory products—that is, to children engaged in what is commonly known as "home work." In most States such work is not covered by the child labor laws, and in these States employers frequently evade the child labor standards by sending work out to be done in the homes instead of having it done in the factories.

The geographical limitations of an act must also be considered. Some States, for example, have passed laws applying only to certain cities or counties. Usually, however, the law is state-wide, but sometimes the provisions for its enforcement have been limited to certain areas.<sup>5</sup> A few States have passed state-wide laws applying to manufacturing and similar establishments and laws with the same or only slightly different standards applying to mercantile establishments and offices in cities of a certain size.

In a considerable number of States one minimum age, usually 14, applies to employment at any time, and a lower age, usually 12, applies to employment outside school hours or during school vacations, generally only during the long summer vacations. Often these younger children are allowed to work at such times only in certain specified occupations or places, or in occupations not held to be dangerous or injurious to their health or morals.

One important industry which is sometimes either entirely exempted from any age regulation or subject to a lower age limit at certain periods of the year is the canning industry.\* In some States canneries are specifically exempted at all times from the minimum age which applies to most other places of employment, but usually the exemption is only for certain months of the year, including the

<sup>4</sup> See p. 8.

<sup>5</sup> See pp. 203-204.

customary vacation period of the public schools and often including also months in which the public schools are usually in session.

In a few States there still exists a poverty exemption, formerly much more common than now, from the minimum-age standard. In these States a special minimum age, lower than that for other children, is fixed for children whose labor is needed for the support of themselves or their parents. Such provisions are based upon the old idea of the duty of self-support and the right of a parent to command his child's services for any purpose. In most States measures of relief have been substituted for the "poverty permit," and it is so generally agreed that exemptions from the standards of child labor laws because of poverty should be abolished that such exemptions are not considered in this report. Some State laws provide, however, that a child must show evidence of financial need, in addition to meeting all the other requirements, before a regular employment certificate will be issued. This provision, of course, raises instead of lowers the standards for employment.<sup>6</sup>

The variations in inclusiveness in the laws thus far considered result practically in exemptions from the minimum age standards. As a result of such exemptions the minimum age of 14 claimed for many States does not mean necessarily that no child in the State is permitted to work under that age, for the act may be so worded that children working in certain occupations, at certain times, or in certain places may be either entirely exempted from any regulation or subject to a different section of the law providing for a lower age limit. In few, if any, States can it be said that there is one minimum age for the employment of all children at all times and in all places. Yet all limitations on the application of an age standard add greatly to the complexity of the procedure required in its enforcement.

In regulations of another type higher minimum ages than the minimum applicable to most occupations have been established for employment in certain occupations or places which are considered specially dangerous or mentally or morally injurious to children. Thus for employment in mines the minimum age for boys is frequently 16 or over, while girls are generally excluded entirely. And the laws of most States contain lists of occupations in which, on the ground that they are dangerous to life or limb, injurious to health, or depraving to morals, employment is prohibited until after the sixteenth birthday, while some States prohibit employment in certain occupations until 18 and in others until 21 years of age.

The chief difficulty in regard to such provisions occurs, not with the clear and definite lists of occupations, but with the general pro-

<sup>6</sup> For a discussion of poverty as an additional requirement for an employment certificate see pp. 31, 45-46.



hibition of employment of children in any place, for example, where their health may be injured or their morals depraved. Such general prohibitions are too vague to be in practice enforceable. To meet this difficulty a number of States, in order to preserve the flexibility of this standard and at the same time to make it enforceable have given some administrative authority power either to prepare the list of dangerous or injurious occupations or to add to the list given in the law. In some States the industrial commission or the labor or inspection department, and in others the health department, is given this power. The rulings of this administrative authority as to the occupation from which children should be excluded have the force of law. In some States the power to prohibit employment in occupations not specifically mentioned in the law can be applied to all minors, in some to children under 18, and in others only to children under 16 years of age.

In some States the minimum age for girls is higher than that for boys. Sometimes, too, the ages for employment in dangerous, injurious, or morally hazardous occupations differ for boys and for girls.

#### OTHER STANDARDS.

Limitations in inclusiveness affect also the physical and educational standards of the laws, which are usually expressed in requirements for obtaining employment certificates. In some States, however, special certificates are provided for employment during vacations or outside of school hours, and for these certificates children are usually not required to meet the educational, and sometimes not even the physical, requirements for regular certificates. In order to understand the limitations upon these standards it is necessary, therefore, to consider carefully the legal provisions relating to,<sup>7</sup> and the requirements for obtaining, all the various kinds of employment certificates.<sup>8</sup>

In certain ways, too, the standards as to hours of labor, night work, continuation-school attendance, and grade-school attendance of unemployed children are usually limited in their scope, and frequently depend, sometimes by reason of their own wording, and sometimes by the fact of their dependence for enforcement,<sup>9</sup> upon the provisions relating to the employment-certificate system. Not only do the hours of labor permitted by law in different States vary widely, ranging in most cases from 8 hours a day and 48 hours a week, with frequently a 6-day week, to 10 hours a day and 60 hours a week with no limitation as to days a week, but within the same State the hour regulations prescribed for girls sometimes ex-

<sup>7</sup> See pp. 14-17.

<sup>8</sup> See pp. 126-128.

<sup>9</sup> See pp. 51-52, 217-218.



tend to a higher age, perhaps 18, than those prescribed for boys, whose hours of work are often unlimited after the sixteenth birthday. In a number of States, moreover, the laws regulating the labor of women apply to all girls under 21 engaged in certain occupations or establishments whose work is not covered by the child labor law. The list of occupations in which the hours of children are regulated is often even more limited than the list of occupations for which employment certificates are required. But sometimes certificates are not required in all the occupations or at all the ages to which the provisions regarding hours apply. In that case, obviously, the factory inspector is deprived of the assistance of the employment-certificate system in determining whether the law is being observed.

The most common limitation on compulsory continuation-school attendance laws is the provision that they shall apply only to places where such schools have been established. Sometimes their establishment is optional with the local authorities, but most of the more recent laws provide that they must be established wherever a specified number of children would be subject to attendance, or in all cities or towns of more than a certain population. In certain States the law adds that they may be established also in smaller places. In many States all children of the given ages who are not attending some regular day school and are not exempted for some special reason are obliged to attend continuation school, regardless of whether or not they hold employment certificates. Sometimes, however, the continuation school law applies only to children who hold employment certificates, and therefore has the same application as the employment-certificate section of the law. The age limits for attendance are most frequently from 14 to 16, though in many States provision has been made for extending the system to all children under 18 years of age. The period of compulsory attendance usually varies from 4 to 8 hours a week during the regular school term or during 18 to 36 weeks of the year; but in some States children over 16 are not obliged to attend as many hours as are children under that age.

A number of States require evening-school attendance of employed children under 16, 18, or 21 years of age who have not met certain educational standards, such as ability to read and write the English language. Because in most States the educational requirements for employment certificates exclude illiterate children from work before their sixteenth birthday, compulsory evening-school attendance usually applies only to children over 16. In a few States, however, it applies to children who have not completed a certain grade; for example, the eighth. The period of compulsory attendance usually varies from 4 to 8 hours weekly and from 16 to about 36 weeks in the year. Attendance at continuation school, either during

the day or in the evening, if it is in session then, may sometimes be substituted for attendance at a regular evening school.

The requirement that children shall attend school when unemployed is found only in States where the maximum compulsory school-attendance age is higher than the minimum employment age, and where children between certain ages, usually 14 and 16, are specifically exempted from school attendance if they are regularly and lawfully at work.<sup>10</sup> Under such a law, of course, when a child ceases to be regularly and lawfully employed his exemption from school attendance ends. The enforcement of such a provision is entirely dependent, as will be shown later,<sup>11</sup> upon the requirement that all children not only must secure employment certificates before they may go to work, but must be reported to the school authorities whenever their employment is terminated.

In general, all limitations upon the inclusiveness of standards increase the difficulties in the way of their enforcement, first by making it more difficult to educate employers, parents, and children to an understanding of the law, and, second, by making more complex and exacting the work of the inspectors who must detect violations. Wherever, for example, some employers can not hire children under a certain age while others can hire them at any age, more or less confusion and uncertainty are bound to exist among employers as to whether or not in their particular establishments they should inquire into the ages of all children employed. Wherever different standards apply to different occupations or ages, or both, or to different times of the day or of the year, the confusion and uncertainty in the minds of employers are greatly increased. Even inspectors whose business it is to know the law thoroughly often fail, as a matter of fact, to follow accurately all the long enumerations of occupations and places of employment and the various qualifications and exemptions to the half dozen or more different standards which they are expected to enforce.

#### EMPLOYMENT-CERTIFICATE PROVISIONS.

The employment-certificate provisions of child labor laws, which are primarily a means of enforcing the standards of age, physical condition, educational attainments, hours, and school attendance, are subject to all the limitations which restrict the age standards.<sup>12</sup> Thus employment certificates are usually required only in the occupations and places of employment mentioned in a definite list. Sometimes a general phrase like "all gainful occupations" ends this list, and occasionally such a phrase is used alone. Sometimes employment without certificates is prohibited "in, about, or in connection with"

<sup>10</sup> See pp. 177-180.

<sup>11</sup> See pp. 155-164.

<sup>12</sup> See pp. 8-12.

and sometimes only "in" the occupations and places mentioned. Children working for their parents or in "home work" may or may not be required to secure certificates, according to the exact wording of the law and its interpretation. In most States employment certificates are required for the same occupations and places of employment to which the minimum age applies, but in a number of States the employment-certificate list covers fewer kinds of work than the minimum-age list.

Requirements for employment certificates usually have the same geographical application and cover the same time periods as those to which the minimum age applies. But sometimes in these respects, as in the case of occupations, the inclusiveness of the certificate section of the law is even more restricted than that of the minimum-age section. In at least one State where the minimum-age standard applies to employment at any time, certificates are required only when the public schools are in session.

The minimum age for regular certificates is the same as the minimum age for employment during school hours. But the maximum age up to which certificates are required, though it varies considerably from State to State, is rarely as high as the maximum age to which some regulation of the labor of minors extends.<sup>13</sup> In most States the certificate age covers the first two years during which employment is permitted, whatever the minimum age or the application of other age and hour standards. Thus where employment is permitted at 14 children usually have to hold certificates until they are 16, and where employment is not permitted until 16 they usually have to hold certificates until they are 18.

Employment-certificate provisions as a rule do not apply to any of the occupations declared by law to be especially dangerous or injurious to children, because the minimum age for such employment is usually placed higher than the maximum age for certificates. In certain States in which boys under 16 years of age are forbidden to work in mines a special certificate for this kind of work is required. But most States make no provision for certificates for mining or any other dangerous occupation in which children are forbidden to engage during the ordinary certificate ages.

Another legal provision which should be considered in connection with limitations on the employment-certificate system is the requirement that employers keep certificates on file open to the inspection of the approved officials.<sup>14</sup> In some States where the two provisions that children shall not be employed without certificates and that employers shall keep them on file are contained in separate sections, the lists of establishments given in the two sections differ slightly.

<sup>13</sup> For example, regulation of hours of labor. See p. 13.

<sup>14</sup> See p. 204.



As a result of one or another or a group of these possible limitations on the application of their employment-certificate requirements in practically all States children of certificate age may be "regularly and lawfully employed," and thus exempt from school attendance, without holding employment certificates. For example, in almost all States a child may be employed in agriculture or in domestic service without having secured a certificate, and in many States in a considerable number of other occupations, including usually any kind of work in his own home. As will be seen later,<sup>15</sup> in some States no children are exempt from compulsory school attendance unless they secure some sort of document, either an employment certificate or some form of school exemption or "special home" permit. But this provision, of course, does not affect the employment of children out of school hours or during vacation periods. Where a State law fails to require certificates for employment outside school hours or during vacation employment, not only is it comparatively easy for children to drift from vacation to regular employment without fulfilling the requirements, but the enforcement of any age or hour standards during these vacation periods becomes practically impossible. Many States have serious gaps in the lists of occupations and establishments for which employment certificates are required. Others, though having such long and complete lists that almost all possible kinds of employment are covered, nevertheless have not the advantage of being able without question to hold every employer of a child responsible and of having in the certificate office a record of every child who has left school for work.

Even though the age or other standards do not apply to all occupations and times, certificates of some sort should be required for employment in any occupation at all times and during all years of age when the labor of children is subject to any special regulation. With such requirements it would be much easier than at present both to teach employers to obey the law and to train inspectors to detect violations. If, for example, a child is not permitted to work in any of a long list of occupations until he is 14, in the operation of dangerous machinery until he is 16, and in railroad work until he is 18, he should be required to obtain a certificate of some sort for employment in any occupation until his eighteenth birthday at least. If he is allowed to work without such a certificate it is easy for him to drift from an unregulated into a regulated occupation without the knowledge of any public authority and this means that nothing but inspection—and fear of the law on the part of employers—will prevent illegal employment. Similarly, if all illiterate minors who are at work are required to attend eve-

<sup>15</sup> See pp. 177-178, 190-191.

ing school, all employed minors should be required to hold certificates showing whether or not they are illiterate and therefore subject to this requirement.

The employment-certificate system is an essential factor in the enforcement of all child-labor standards through the methods, which will be described later,<sup>16</sup> of enforcing school attendance; at the same time it is the corner stone for the enforcement of such standards through inspection.<sup>17</sup> All limitations upon the occupations, establishments, and periods in which certificates are required confuse employers, parents, and children and make more difficult the work of locating and following up children to secure their attendance at school, which furnishes the most complete and thorough system known for the enforcement of child-labor standards. Such limitations, moreover, seriously hamper at the same time that they throw greater weight upon the inspection system.

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<sup>16</sup> See pp. 176-199.

<sup>17</sup> See pp. 200-226.

## GENERAL ADMINISTRATION OF AN EMPLOYMENT-CERTIFICATE SYSTEM.

The officials concerned with the administration of an employment certificate system are primarily the issuing officers and the State officials who are charged more or less definitely with supervision over the issuance of certificates, and secondarily the registrars of vital statistics who issue evidence of age, the superintendents, principals and teachers who issue school records, and the physicians who give physical examinations. The functions of the three secondary groups of officials will be considered later in connection with the three requirements for obtaining certificates which they assist in enforcing. This section, therefore, deals with the qualifications, powers, and duties of certificate-issuing officers and with the amount and character of supervision by some central State authority which is necessary to secure uniformity throughout the State in the general administration of an employment-certificate system.

Before considering these topics, however, special attention should be called to the need for close cooperation among all the agencies concerned in the enforcement of a child labor law, not only between the issuing officers and the registrars of vital statistics, school officials and physicians who furnish them with evidence that the child is entitled under the law to an employment certificate, but also between the issuing officers and the school-attendance officers and industrial inspectors whose duty it is to see that children are not employed without having submitted their qualifications to the issuing officers and obtained certificates.<sup>18</sup> The difficulties in the way of developing and maintaining such cooperation among authorities exercising these various functions may be decidedly decreased, of course, by the consolidation of two or more functions in the hands of the same officials or of officials of the same department. But such consolidation does not by any means insure the kind of cooperation needed, which consists not merely in the furnishing of information by one officer but in its use by the other. Even in the smaller places where one official issues employment certificates, takes the school census, and enforces school attendance, he may perform each function without any regard to the others. And in larger places where these functions, though under the direction of some one official, are actually performed by different persons, lack of organization and supervision of their work

<sup>18</sup> See especially pp. 161, 171, 191-192, 217.



requently results in failure to coordinate properly their various duties, where these functions, however, are exercised by entirely separate officials or departments, coordination of work becomes more difficult. Much can, of course, be accomplished in such cases by voluntary cooperation, but responsibility should be fixed by the law. The chief lines of cooperation necessary are the same regardless of whether the officials performing the various functions are all different officials, are persons acting under the direction of a single officer who supervises several activities, or are individuals charged with various duties. But the responsibility for the development and maintenance of cooperation differs, and, to a certain extent, the exact methods of procedure also differ. For securing cooperation between entirely separate officials or departments the prime responsibility rests upon the law, which should specify exactly the necessary records to be kept and reports to be made. For securing cooperation within a department or office, on the other hand, the chief responsibility rests upon the head of that department or office. Upon the local superintendent of schools, for example, devolves the responsibility for cooperation between all the various officials in the school department who actually perform one or more of the functions connected with the enforcement of the child labor law. In this case the methods may be less formal than where entirely separate officials or offices are concerned, but in general the larger the department the more formal are the methods required. Still less formal methods, naturally, are needed where a single individual has more than one function to perform. It is just as necessary, however, that the individual in his capacity, for example, of school-attendance officer shall make use of the information which he has acquired in his capacity of issuing officer as it is that a school-attendance officer shall make use of information furnished him by another person who is an issuing officer. In the former case, of course, the responsibility rests upon the individual official of so organizing his work that he shall secure in the exercise of each function information needed for the efficient exercise of each other function, and shall also make use of the information thus secured. Obviously, for effective cooperation in the performance of the various functions, such similar procedure is required, regardless of the relationship of the officials or the departments performing them, that the extent or character of consolidation of functions in particular agencies is of comparatively little importance in this connection.

#### CERTIFICATE-ISSUING OFFICERS.

Probably few tasks require so much careful attention to intricate administrative detail and at the same time so much sympathy and tact as does the issuance of employment certificates to children. The need for thorough familiarity with and conscientious attention to

details of procedure, and for understanding and sympathy with the purpose, as well as the letter, of the law, means that intelligence, competence, and good judgment are essential in a certificate-issuing officer who is to do his part in the enforcement of child-labor standards. In the first place the issuing officer should be thoroughly familiar with the law and with all regulations and rulings of any State agency which may have supervision over the issuance of certificates. At the same time he should understand and know how to carry on all the various lines of cooperation needed with other administrative agencies. In the second place he should have good judgment in the interpretation of the law and the regulations, for neither law nor rules will ever solve all the complicated problems which are presented to a certificate-issuing officer. In the third place he should know enough about the industries and occupations in which a child may be employed in his community to be able to use intelligently whatever power the law may give him to protect the child from harmful work.<sup>19</sup> And in the fourth place he should have on the one hand patience, tact, and sympathy with the child and his parents, and on the other a high sense of his responsibility for the protection of the child through the enforcement of law. In short, all officers who have authority and responsibility over the issuing of employment certificates should possess a high order of intelligence and character.<sup>20</sup>

In the majority of States the issuance of certificates is placed in the hands of local officials<sup>21</sup>—in most cases school officials designated in the law itself, but sometimes persons appointed by a State board or department; the latter may be labor inspectors, judges, physicians, or private individuals, but in an increasing number of cases they are school officials. Because of the need for cooperation between certificate-issuing officers and school-attendance officers and the close touch which the school authorities have with the children before they go to work, and also because the certificate is considered not only as authorizing employment but as exempting from school attendance, most States have placed the issuing of certificates in the hands of school officials. In the larger places where special school-attendance officers or a special division of the school organization are responsible for the enforcement of attendance, the work of issuing certificates has frequently been assigned to such officers or to such a division.

A few States, however, have endeavored to secure cooperation in the performance of the functions necessary in the enforcement of child-labor standards by concentrating these functions so far as possible in the hands of the State board of education, or in those of the State labor department or industrial commission, which in the

<sup>19</sup> See pp. 28-32.

<sup>20</sup> See p. 27.

<sup>21</sup> For delegation of the legal authority to issue certificates, see pp. 26-28.



great majority of States has the duty of inspecting establishments for violations of child labor laws. In these States employment certificates, at least in certain places, are issued by agents of the State board<sup>22</sup> who may have jurisdiction either over children living in or near the city where they are stationed, or over children living in a number of different communities. In the latter case they usually travel from place to place to hold special office hours in each of these communities. In one small but industrially important State it was found that certificates were issued only by traveling agents of the State board of education, though the law provided that they might also be issued by some other school officer "designated by the board."<sup>23</sup>

In general, the smaller the number of officials intrusted with the power of issuing certificates the better. Not only should each issuing officer be of high character and intelligence, but each should have time and opportunity to make himself thoroughly familiar with the administrative details of the work, and especially with the proper procedure in unusual cases. The same careful attention to detail is necessary, of course, for the issuance of a single certificate as for the issuance of a large number. Yet an issuing officer whose time is mainly taken up with other duties and who receives few applications for certificates often has neither the leisure nor the opportunity to familiarize himself with these details.

At the same time the children of each community in the State should be able to secure employment certificates to which they are by law entitled without incurring greater delay, inconvenience, or expense than is necessary for their protection. The issuing of certificates in the smaller communities constitutes, therefore, a special problem which should be recognized and for the solution of which definite provision should be made.

In some States this problem is solved in part by providing that supervision shall be exercised by the State labor or education department over the work of local issuing officers, which means usually that these officers are furnished with instructions as to procedure and with interpretations of the law and that they have some one to whom they can refer their most unusual and difficult cases. The methods and problems of State supervision will be discussed later.<sup>24</sup> In general, the States which have the largest amount of State supervision usually have also the fewest issuing officers, and usually provide that these officers shall be appointed by the State supervising agency.<sup>25</sup> In

<sup>22</sup> For descriptions of this method see Administration of Child Labor Laws, Part I, Employment Certificate System, Connecticut; Part III, Employment Certificate System, Maryland; and Part IV, Employment Certificate System, Wisconsin. U. S. Children's Bureau Publications Nos. 12, 41, and 85. Washington, 1915, 1919, 1921.

<sup>23</sup> See p. 148.

<sup>24</sup> See pp. 32-44.

<sup>25</sup> See pp. 35, 41.

at least one State each county has a single issuing officer who handles applications from all places in his county outside the larger cities and towns. This means that responsibility for carrying out the technical provisions of the employment-certificate system rests upon a small number of officers, as compared with the number in States where every school superintendent has the power of issuance.

In most States, however, the local superintendent or, if there is no superintendent, some other school official in each hamlet or village is authorized to issue employment certificates and occasionally, at least, does issue such certificates. In at least one State, moreover, the superintendent or principal of any parochial school may issue a regular certificate; and in another, any public or private school principal may issue a vacation certificate. The number of officers authorized to issue certificates in a State is usually, therefore, large, and the number of certificates issued by each varies widely. The work of issuing certificates is much better done, as a rule, in large cities than in the smaller places where each officer handles comparatively few applications. Yet in many States the total number of children who secure certificates from the comparatively unskilled and inexperienced officers in small industrial cities and towns is much greater than the number who secure them from competent, well-informed issuing officers in the larger cities. In most of these States the amount of State supervision exercised is not sufficient even to discover the uneven, inequitable, and often absolutely illegal practices connected with this decentralized system of certificate issuance.

The intricacy of the detailed procedure required in issuing employment certificates makes it essential that measures should be taken to insure the choice of properly trained, impartial officials and the permanency of these officials in office. The sooner an issuing officer who is incompetent, careless, or unadapted to the work is removed the better. But an intelligent and conscientious officer gains much by experience, not only in the thoroughness of his knowledge of the law and in skill in handling people, but also in the public confidence which means cooperation and support. Whenever such an officer resigns and is replaced by an inexperienced person, however intelligent and tactful, the employment-certificate system is bound to lose in effectiveness. It is essential, therefore, that the certificate office shall be entirely free from political influence. Such freedom can most surely be attained by providing that all officials and employees of the office shall be selected through civil-service examinations carefully prepared and conducted with special reference to their duties, and that they shall be removed only if they prove inefficient or dishonest.

A self-evident rule, yet one which it is perhaps necessary to mention because of its violation in a few places, is that employment

certificates should never be issued on a fee basis.<sup>26</sup> Not only should certificates be free to all children entitled to them but only salaried officials can possibly be expected to have the requisite qualifications and to give the necessary time to see that in all cases, the unusual and troublesome as well as the ordinary, simple ones, the children who apply are given the equal protection of the law. Even when the fee is paid by the State instead of by the child this method of compensating the issuing officer is not calculated to produce good results.

Another rule which is found in many laws, and which should be in all, especially in States where the persons authorized to issue certificates are not always full-time officials, is that no issuing officer should be empowered to issue a certificate for a child to enter his own employ or to work for any company or corporation in which he is interested or of which he himself is an employee.

Only one person in each community—whether a county or some larger section of a State, a town or city or, in the case of large cities, some definite portion of a city—should be authorized to issue or to supervise the issuance of employment certificates to the children of that community, whether from public or from private or parochial schools. In some States and some cities more than one person has been designated, either by law or by some authority empowered to make such appointments, to issue certificates in a single community. For various reasons this multiplication of issuing officers is extremely undesirable, whether they be juvenile court judges or officials of different school systems—for example, city schools and county schools or public and parochial schools. In the first place it means a greater number of officers to be educated to an understanding of the technical details of the work and at the same time less incentive and less opportunity for each of them to acquire this education. In the second place it means divided responsibility, which is confusing both to the child and to the employer, and which in some cases may lead directly to a lowering of respect for the child labor law. Cases have been known in which children refused certificates by one issuing officer have been granted them by another in the same community. In the third place the issuing of certificates by more than one person in a community means greatly increased difficulties in organizing all the various lines of cooperation needed between the certificate officer and the other officials concerned with the administration of the child labor law.

For similar reasons the exact jurisdiction of an issuing officer should be carefully defined either by law or by administrative regulations. In some States a child is permitted to secure his certificate either from the issuing officer in the city or town in which he lives

<sup>26</sup> See p. 74.



or from the one in the city or town in which he is to work. This gives the child who is going to work in some other city or town than the one in which he lives a choice of issuing officers and, like having two or more officers in a single community, may lead to the granting by one officer of a permit which has been refused by another. In other States children must apply not to the issuing officer in the place where they live and have attended school but to the issuing officer in the place where they expect to be employed. If it were no more difficult to secure cooperation between the certificate-issuing officer of one city and the school-attendance department of another than it is to secure such cooperation within a single school system this plan might be a satisfactory solution of the jurisdictional problem. Such a plan may be, moreover, of some slight assistance to factory inspectors in their work, and in a few places where continuation-school attendance is required in the place where the child is employed but not in the place where he lives it serves to insure registration in that school. Nevertheless, the additional difficulties and uncertainties introduced into the system of cooperation between the administrators of the child labor and school attendance laws, which is so great a factor in enforcing the former, usually counterbalance any possible gain in other ways. Except in cases where the residence is in another State, therefore, the place where a child lives, and not the place where he is employed, should govern not only his school attendance but also his application for an employment certificate—which in most States is, in part at least, an application for exemption from school attendance.

Furthermore, wherever an issuing officer for county children and an issuing officer for city children live in the same city or town, not only should the exact jurisdiction of each be carefully defined, but this jurisdiction should, in general, depend upon place of residence and school attendance rather than upon place of employment.

A special question of jurisdiction arises in places which are on or near the border line between two States, one of which has higher standards for the employment of children than the other. In such places employers in the State which has the higher standards often complain that their competitors across the border are able to use the comparatively cheap labor of children which they are forbidden to employ. More important is the fact that in many of these higher-standard States the law applies only to employment within the State and therefore fails to protect all the children who live within its borders. A partial remedy for difficulties arising from such a situation would be to make the law of each State applicable to all children either living or working in that State. If a child could not be employed anywhere unless he had secured a certificate in the

place where he lived, all the children who lived in the State having the higher standards would be obliged at least to meet the requirements for such a certificate before being released from school attendance. But if the issuing officers of a State can issue only to children living in their own districts, the children from another State who may wish to come across the border to work are not permitted to do so because of inability to secure certificates. To equalize opportunities between children living in the two States, however, it is only necessary to provide that issuing officers, though forbidden to issue employment certificates to children living in other jurisdictions within their own State, may issue to children living in other States but applying for work within their jurisdictions. If adjoining States each had such a provision it would be necessary, of course, for children who wished to live in one State and work in another to secure employment certificates in both. Inconvenience to the child could be minimized, however, by cooperation between the two issuing offices in regard to the acceptance of evidence. If the standards of the two States were equally high and the methods of issuing certificates equally good it might even be possible to require of a child who had a certificate in one State the production of only this certificate at the issuing office in the other State in evidence of fulfillment of all requirements. If children were obliged to secure certificates in States where they either lived or worked each State would be able to apply its own age, educational, and physical condition standards to all children either living or working within its boundaries. Even then, however, a State would be handicapped in enforcement of its standards with respect to children working in another State because of inability to prosecute employers in the other State.

The organization of the certificate-issuing office differs, necessarily, with the size of the community which it serves and the number of applications which it handles. In the smaller jurisdictions, even in States where the number of issuing officers has been reduced to the minimum necessary to give efficient and adequate local service, the work of issuing employment certificates does not usually require the entire time of the issuing officer. In that case, as already suggested,<sup>27</sup> it is generally found that this function is most advantageously combined not with totally unrelated duties but, so far as possible, with other functions connected with the enforcement of the child labor or the compulsory school attendance laws. In the larger cities, on the other hand, the certificate-issuing officer often needs more or less assistance in his work. In all places a sufficient number of employees should be provided so that every case can be in-

<sup>27</sup> See p. 18.

quired into carefully and handled expeditiously.<sup>28</sup> In very large cities it is sometimes found best to have two or more certificate offices in different sections; the officer in charge of each office, however, should be permitted to issue certificates only to the children living in his own district and the work of all of the offices should be centralized under one administrative head.

### DELEGATION OF AUTHORITY.

The law usually provides that certificates shall be issued either by a certain official or by some one designated by him—for example, by the local superintendent of schools or by some one appointed by him for the purpose. Usually this delegation of authority must be in writing.

In some communities issuing officers are absent sometimes for an entire summer vacation without appointing anyone to act in their places. The result is that children who may or may not be able to meet the requirements go to work without certificates and both they and their employers give as an excuse the fact that the absence of the issuing officer made it impossible to secure certificates. To avoid the possibility of any child or employer having such an excuse for violation of the law, the authority of every issuing officer who is to be away from his community for more than a few days should be delegated to some one else during his absence. Wherever this absence is likely to be for long periods, as is often the case when the issuing officer is a school official whose other duties leave him free during the entire summer vacation, even this temporary delegation of authority becomes an especially important problem. In most communities more children apply for employment certificates during the summer than during any other season, and in some places more apply during the summer than during all the rest of the year. Any person authorized to issue certificates to children during summer vacation periods should, therefore, have all of the qualifications of a regular issuing officer and the question may well be raised as to whether he should not be made the only issuing officer for the entire year. In any event, he should be formally designated in writing as the person having authority to issue employment certificates, should sign the certificates which he issues, and should be held directly responsible for his work.

In many offices the actual work of issuing certificates is regularly done, whether or not the issuing officer is away, by one or more subordinate officials without any formal designation.<sup>29</sup> In such cases the certificates are signed by the legal issuing officer, but often he

<sup>28</sup> See pp. 124-125.

<sup>29</sup> For the formal designation as certificate-issuing officers of more than one person in a community, other than subordinates to whom this work is delegated, see p. 23.



does not see the child or the parent, and sometimes not even the documentary evidence of fulfillment of the requirements which the child has brought. In some offices, indeed, a number of blank employment certificates are signed by the legal issuing officer and are later filled out for the individual children as they appear by a clerk, stenographer, or school-attendance officer.

In many communities where the law designates as issuing officer a school official who has many other duties to perform this power must necessarily be delegated permanently to some subordinate. In the smaller communities the assistance of a clerk or attendance officer in giving instructions, keeping records, making reports, and other like duties<sup>30</sup> may be sufficient to enable the superintendent to retain his authority over the actual issuance of certificates. But in the larger communities, where it is not possible for the superintendent personally to see and pass upon the documents of all applicants and to give careful supervision to the work of his assistant, it is better formally to designate some competent person to act, under the general supervision of the superintendent, as employment-certificate officer for the community. The practice of having employment certificates signed in blank by the authorized issuing officer but actually issued by some subordinate divides responsibility and means often that the real enforcement of the certificate law falls into the hands of persons who have few or none of the essential qualifications of good issuing officers. The actual issuing officer, and not merely the person who lends his name to the procedure, should have the qualifications already mentioned as necessary for efficiency in the issuing of employment certificates.<sup>31</sup> And if the actual issuing officer has such qualifications there seems to be no good reason why he should not himself sign the certificates which he issues and thus assume for them full responsibility.

Both because of carelessness in the formal delegation of the power to issue certificates and because of the informal delegation to subordinates of final power in the matter, the actual issuance of certificates frequently falls into the hands of incompetent or unsuitable persons. Even school-attendance officers frequently are not fitted for the responsible work of deciding whether children should be permitted to terminate their school careers. The clerks or secretaries to whom the actual issuance of certificates is often intrusted in the offices of school superintendents or of chief attendance officers are sometimes less fitted for this work than are the attendance officers themselves. Many of them become interested in their work and do it conscientiously and well, but others are careless and indifferent.

<sup>30</sup> See pp. 124-125.

<sup>31</sup> See pp. 19-20, 22.

Frequently they are little older than the applicants for certificates and have little more realization of the importance of the procedure. In some offices, indeed, the delegation of authority by legal issuing officers has led to the issuance of employment certificates, with little or no supervision, by persons who are absolutely unsuited to such work—for example, janitors.

In all cases of delegation of authority to issue certificates, whether for limited periods or for an indefinite time, only one person, of course, should be given this responsibility in each community. Furthermore, when such delegation is only for a limited period the exact period should be definitely stated. Such delegation should never be permitted to result in divided responsibility over issuance in any community.

### ADMINISTRATIVE DISCRETION.

An important question relates to the amount of administrative discretion which should be given a certificate-issuing officer. Should such an officer be obliged to issue an employment certificate to a child upon presentation of certain documents specified in the law or should he have authority to determine what documents or other evidence must be presented, or to refuse a certificate upon grounds other than those specified in the law? More specifically, to what extent should it be within the power of the issuing officer to determine what constitutes satisfactory evidence of age, of physical condition, or of educational attainments, and to what extent should it be within his power to impose requirements other than those specified in the law upon applicants for certificates? As examples of such requirements may be mentioned the appearance before the issuing officer of one of the child's parents or the presentation of a promise of employment in States where the law does not specify these,<sup>32</sup> or the presentation of evidence that the family needs the child's earnings in States where proof of poverty is not a legal requirement for a regular employment certificate.<sup>33</sup> The term administrative discretion also includes power to issue certificates in special cases, at special times, or for special occupations or purposes not contemplated in the law.

Other officials than issuing officers who are concerned in the administration of child labor laws may, of course, be granted administrative discretion in the performance of their various functions. Such cases will be considered in discussing the functions which they per-

<sup>32</sup> See pp. 46-49.

<sup>33</sup> Often where poverty is specified definitely as a requirement it is ground for issuance, not of regular employment certificates, but of "poverty permits" to children under regular certificate age or to children who can not meet the requirements for regular certificates. This form of permit is so obviously undesirable that it is not considered in this report. See also pp. 11 and 45-46.



form. At this point it is proposed to discuss only the administrative discretion of issuing officers, including that of State agencies in exercising powers of supervision over the issuing of employment certificates by local officials.

In the matter of acceptable evidence of age, issuing officers in many States have a considerable amount of administrative discretion.<sup>34</sup> In some States various documents are specified in the law in order of preference, but if none of the specified documents is available the issuing officer may accept any other document or, in some States, any other evidence which he believes to be satisfactory. In other States lists of documents are specified with a similar general phrase at the end, but no order of preference is given, so that an issuing officer may accept practically any evidence he likes without even inquiring as to whether better evidence can be procured. A few States do not specify any documents but provide merely that evidence of age satisfactory to the issuing officer shall be presented. In practice the administrative discretion allowed issuing officers in this matter has resulted in the acceptance in most places of inadequate evidence, even when better evidence was available, and has led in many cases to the issuance of certificates to children who were actually under the minimum age for employment, and to the employment of children in dangerous occupations and for long hours who were actually below the legal ages for employment at such occupations and hours. Experience, indeed, has led to the general conclusion that the only administrative discretion which should be allowed local issuing officers in the acceptance of age evidence is discretion in determining the genuineness of the documents which are offered. And in some States, as will be seen later,<sup>35</sup> the decisions of local issuing officers even on these questions are subject to review by State officials.

Issuing officers are not usually<sup>36</sup> supposed to have any administrative discretion as to physical requirements where all applicants are obliged to secure physicians' certificates as a prerequisite to employment certificates.<sup>37</sup> The examining physician who certifies to the physical fitness of the applicant has, of course, wide discretion, but this discretion pertains to him solely in his capacity as physician even when he is both examining physician and issuing officer. In States, however, in which applicants are obliged to secure physicians' certificates only at the discretion of the issuing officer<sup>38</sup> he has, obviously, complete power to determine whether applicants shall be required to meet any physical test. In other words, the issuing officer in such States is in effect clothed with power to determine

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<sup>34</sup> See pp. 54-55, 60, 63, 65, 69, 71-72.

<sup>35</sup> See p. 39.

<sup>36</sup> Except in the cases mentioned on pp. 85-86.

<sup>37</sup> See pp. 73, 81-82.

<sup>38</sup> For a discussion of this subject see pp. 73, 78-80.

whether the State shall have any physical standard for the employment of children—a power which logically belongs to the legislature.

The amount of administrative discretion allowed an issuing officer in the matter of educational requirements<sup>39</sup> depends both upon the character of the requirements and upon the exact wording of the law. When the requirement is that the child shall present a school record showing completion of a certain grade the issuing officer can sometimes only pass upon the form of this record and, if in doubt, question its genuineness; but in other cases he can refuse to accept any record which, though genuine, may not, in his opinion, represent complete fulfillment of the educational requirements. For example, if a child must have completed a certain grade in a public school or its equivalent in some other school, the issuing officer may refuse to accept school records from private or parochial schools and may require all children from such schools to take examinations. Furthermore, if, as is frequently the case, the law provides that to be eligible for an employment certificate a child must have attained a certain definite degree of education, as ability to read and write in English or to perform certain operations in arithmetic, whether this be the sole standard for education or in addition to a grade requirement, the issuing officer must himself establish a method of measuring such attainments and has power to refuse a certificate to any child who fails to meet his test. Since school records must of necessity be issued by individual school principals or teachers and must come from various types of schools under various kinds of management, it seems extremely desirable that the issuing officer should have a certain amount of administrative discretion over their acceptance as sole evidence of fulfillment of the educational requirements. Sufficient administrative discretion to enable the issuing officer to satisfy himself that children from different schools can all meet a minimum test may be made by an efficient officer an invaluable aid in the enforcement of the educational standards.

Administrative discretion to impose requirements other than those specified in the law sometimes appears to be given by making the issuing of employment certificates a power and not a duty; that is, by drafting the law to provide that the designated officer may issue certificates and not that he must issue them. But even in these States many issuing officers believe that, if a child meets the requirements specified in the law, they are morally, if not legally, bound to issue the certificate.

In at least two States, however, definite authority is given the issuing officer to refuse to grant a certificate if, in his judgment, the best interests of the child would be served by such refusal. At the same time the State agency which has general power to enforce the

<sup>39</sup> See pp. 97-98, 104, 105, 111-117, 119-122.

law and supervises the issuance of certificates is given the right to revoke any certificate if it believes "that the physical or moral welfare" of the child would be best served by its revocation.<sup>40</sup> Such a definite provision practically lays upon the issuing officer the duty of considering and forming some opinion upon whether it is to the best interest of the child to go to work, and this confers broad powers to impose additional requirements.

Wherever issuing officers have the character and ability to fulfill properly their duties it is highly desirable that they should be given authority to refuse a certificate if they have reason to believe that the child should not be permitted to go to work or to take the particular position proposed. Such administrative discretion is most desirable where the law is least detailed as to the requirements for obtaining a certificate—for example, where the law fails to specify that both the child and one of his parents shall appear before the issuing officer, or that the child shall bring a promise of employment.<sup>41</sup> Not only can the issuing officer in such cases rectify the obvious defects of the law, but he can make additional requirements which serve to accomplish more completely the general purpose of child-labor legislation, the protection of the interests of the child.

The question of economic need for a child's earnings may be raised, not only in States in which proof of poverty is a requirement for a regular employment certificate<sup>42</sup> and in those in which the issuing officer has general power to refuse certificates for reasons other than those specified in the law, but also in States which require that, to be exempt from school attendance, a child must be "necessarily" as well as "legally" employed. In some places at least this is interpreted to mean that a child can not leave school for work unless his earnings are essential to the support of his family. This question of economic need is difficult, of course, to determine, and in all cases in which it has to be determined, whether because poverty is actually a prerequisite to employment or because the authorities in charge of issuance have decided to use their power to refuse a certificate in case no need for the child's earnings is shown, so many factors enter into each case that of necessity a large amount of administrative discretion must be exercised.

A special advantage in allowing an issuing officer to refuse a certificate if he believes it to the best interests of the child to remain in school is that this power makes it possible for him to exercise greater authority in endeavoring to persuade children not to leave school.<sup>43</sup> If the child knows that the officer must grant the certificate if he pro-

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<sup>40</sup> See pp. 94, 101-102.

<sup>41</sup> See pp. 46 and 49-50.

<sup>42</sup> See pp. 11, 28, 45-46.

<sup>43</sup> See pp. 46, 48-49.



duces certain documents he is not likely to pay much attention to any efforts to induce him to reconsider his decision to go to work.

Another advantage of allowing administrative discretion in the matter of refusing certificates is that it enables the issuing officer to consider the combinations of circumstances found in each individual case. In one city, for example, under the power given the issuing officer to refuse to grant a permit if in his judgment "the best interests of the child would be served by such refusal," a child who has not finished the grammar-school course is granted a certificate only if the need of his family appears urgent.

Abuse of administrative discretion to refuse certificates for reasons not definitely specified in the law is extremely improbable if the intent rather than the letter of the law is considered. On the other hand, administrative discretion to grant certificates in special cases, at special times, or for special occupations or purposes not definitely specified in the law is extremely liable to abuse. Such administrative discretion is, fortunately, rarely given. That it would lead in many places, if given under present conditions, to the breaking down of child-labor standards seems to be demonstrated by the cases in which it has been illegally assumed—cases, for example, in which issuing officers, without any authority of law, have issued certificates to children under the legal age because they thought the children better off employed.<sup>44</sup>

To prevent abuses of even such administrative discretion as issuing officers commonly have in granting and refusing certificates, and also to secure uniformity in the enforcement of standards throughout the State, the administrative discretion of issuing officers should be exercised, so far as possible, not by individual officers in single communities but by State officials authorized to direct and supervise the work of the local issuing officers. Wherever provision is made for effective supervision by some State agency this can be accomplished through the issuing by that agency of rules and regulations for the guidance of the local officers.<sup>45</sup> In a few States the agency which is given the general authority over enforcement is specifically authorized to promulgate rules and regulations which shall have the force of law. In these States, even though definite methods of enforcement may also be specified, the officers charged with this authority have a broad field for the exercise of administrative discretion.

### STATE SUPERVISION.

An essential feature of any efficient method of administration of an employment-certificate system is provision for supervision by

<sup>44</sup> See p. 4.

<sup>45</sup> See pp. 38-39, 40-42, 54-55, 79-80, 116-117.

ome competent and properly equipped State agency over the work of local issuing officers. Without such supervision it is impossible to secure any degree of uniformity in methods of issuing employment certificates in the different communities of a State. Furthermore, without such supervision it is impossible to secure conformity with the requirements of the law and therefore impossible to secure enforcement of the child-labor standards. These standards may be well enforced in one community while in another community in the same State children may be given employment certificates without having produced adequate evidence of age, of education, or of physical condition.<sup>46</sup> Yet except where a new certificate is required for each new position<sup>47</sup> a certificate issued in one place in a State is good anywhere else in that State, and in theory all children in the State are required to meet the same standards for employment.

In spite of the need for uniformly efficient methods in the issuing of certificates comparatively few States have made any provision for State supervision over this work. Furthermore, in most of those which have made some provision the powers of supervision are sufficient only to detect weaknesses in the system and not to correct them. Even in States in which the State agency has authority to correct weaknesses it has usually neglected to do so or has been unable because of financial stringency to exercise its powers effectively. As a result, the conditions found by agents of the Children's Bureau in one important industrial State, which had high standards for the employment of children but had in effect at that time little or no State supervision over the issuing of certificates, are probably typical of those in the majority of States. In this State the agent visited eight cities in the course of a special study of the employment certificate system and found that no two issuing officers interpreted the law alike, no two maintained the same standards, no two required children to follow the same procedure, and no two used the same forms. As a result, the requirements which the children were obliged to meet in these eight cities differed in many and important respects. Furthermore, the agent found that in some of these cities all the children and in others some of the children secured their certificates illegally, with the result that in none did all the children entering industry receive the full measure of protection provided by the law. It was not surprising, therefore, that in this State inspectors under the first Federal child labor law found violations of the State law in 81 of 95 plants which they inspected, and attributed

<sup>46</sup> For discussions of State supervision: (1) over the giving of physical examinations or fulfillment of the physical requirements, see pp. 94-97; and (2) over the issuing of school records and the standardization of grade work and of examinations for fulfillment of educational requirements, see pp. 106-112, 116-117, 120-121.

<sup>47</sup> See pp. 129-130.



much of this illegal employment to failure to carry out the certifying provisions.

Without State supervision it is not even possible under some laws to insure that certificates will be issued in all the places and at all the times needed. In one State, where county superintendents were supposed to appoint issuing officers, Federal inspectors found that in some counties no attention had been given this matter and that, as a result, employers gave as an excuse for violating the law their inability to secure certificates for children whom they believed entitled to them and whom they wished to employ. In a number of other States, moreover, school offices were closed and no certificates were issued during vacations.

In the great majority of cases, probably, the lack of uniformity in the issuance of certificates, and even the failure to issue the legally, is not due to any deliberate intent on the part of issuing officers to violate the law, or even to any intentional carelessness. In many States an officer who in issuing a certificate knowingly certifies to any false statement, or to any "materially" false statement, is liable to a penalty. But even if in practice such cases could be detected easily and the facts proved, this provision would be of little aid in securing uniformly legal issuance of certificates because illegal practices are not, as a rule, deliberate violations of the law on the part of issuing officers. In many cases lack of uniformity and illegal issuance are due to the fact that issuing officers are too busy with other duties to familiarize themselves thoroughly with all the provisions of an intricate, and sometimes contradictory child labor law; in others, to carelessness resulting from inadequate appreciation of the importance of detail in the issuing of certificates; and in still others, to the delegation of authority to incompetent persons and failure to exercise enough supervision over them even to discover their incompetence.

In all States issuing officers need, and at least the more conscientious ones would welcome, the assistance of State officials in interpreting the law and in working out the best methods of procedure. Going from one certificate office to another, agents of the Children's Bureau found, especially in the better-conducted offices, great interest in the methods used in other offices to solve the many troublesome problems which inevitably arise in the issuance of employment certificates.

Various methods of State supervision have been tried. In most States some State agency, usually the labor department or industrial commission, but in several States the department of education, is given general power to enforce or to "administer and enforce" or to "inquire into the administration and enforcement of" the child labor laws. In some cases, however, the

provision is so worded as to give the State office only the power, and not the duty, of enforcement, and its power is often used only in carrying out the definite provisions of the law relating to inspection and prosecution for violations. Even when the law makes it the duty of the State agency to enforce the entire child labor law this agency often performs only the functions which are definitely specified and makes no attempt to supervise the issuing of certificates. In States, therefore, which give the State agency no specific duties, actual supervision of any sort is extremely rare. There is no reason why the inspecting agency should not also supervise the issuing of certificates. In several States, indeed, this combination of functions has proved very effective. But the inspecting agency is not likely to supervise the issuing of certificates in any thorough manner unless there is incorporated in the law a definite statement of its duties in the matter. Broad authority to enforce the law is needed for many purposes, but either the agency which possesses such authority or some other agency should be made specifically responsible for supervision over the issuance of certificates throughout the State. Moreover, if the general duty of enforcement and the duty of supervision over issuance are not given to the same agency it is essential that the two agencies intrusted with these duties, and also any other agencies which may have any functions whatever in the unification of the certificate system throughout the State, shall cooperate closely in their work.

The chief specific duties often imposed in child labor laws which enable State agencies to exercise control over the local issuance of employment certificates are : (1) The duty of a State agency to prepare and furnish blank forms for the use of issuing officers and the duty of such officers to use these forms; (2) the duty of local issuing officers to make certain reports to a State agency or to keep certain records for its use; (3) the duty of a State agency to specify the evidence to be submitted in fulfillment of the requirements for a certificate or to approve certain kinds of evidence and the duty of the local officers to submit such evidence for approval; (4) the duty of a State agency to revoke certificates which have been illegally issued; (5) the duty of a State agency to send out instructions to local issuing officers; (6) the duty of a State agency to appoint issuing officers and (7) to supervise their work. In the laws of many States one at least of these duties is created, and in those of a few States most of them are either definitely expressed or clearly implied. In certain States, however, these duties of supervision are divided among two or more different State agencies, each acting independently.

Of fundamental importance in unifying the employment-certificate system of a State is the use of the same forms by all issuing

officers. The contents of the certificate<sup>48</sup> are usually prescribed in the law or by some State agency, but even in such cases if the forms to be used are not actually drawn up and furnished by a State agency, variations in shape and size, and sometimes even in content, are sure to occur. All such variations are bad, not only because important points may be omitted from the certificate, but also because they are confusing to employers, especially in places where children who have obtained their certificates from two or three different issuing officers are employed in the same establishment.

Not only the certificate form itself but all other forms needed in the administration of the certificate system<sup>49</sup> should be both prepared and furnished by some State agency and their use should be compulsory. Only thus can the forms used be made uniform throughout the State, and only thus can they assist in bringing about uniform, efficient, and equitable enforcement of the child-labor standards. This applies especially to forms for school records, for records of physical examinations, for statements that births have or have not been registered, and for statements of commencement and termination of employment where these are required. But it also applies to forms for the employer's promise of employment, for permanent office records of individual children, and for reports to be made to schools and attendance officers, to industrial inspectors, and to State supervising agencies—in short to all kinds of records which should be kept and reports which should be made by issuing officers. Yet in less than one-third of the States is any State official or board given specific authority to prepare and furnish the preliminary forms needed in the issuing of certificates, and even in these States the law is not always clear as to whether the use of these forms is compulsory.

The power to prepare and furnish blank forms, especially if supplemented by power to require their use, in itself gives a considerable amount of supervisory authority over the methods to be employed by local officers in issuing certificates. Such forms should therefore, be carefully designed to assist, so far as possible, in securing uniform enforcement of the law. The opportunity, for example, of educating the employer through the forms which pass through his hands should not be neglected.<sup>50</sup> All forms, moreover, should be made of a convenient size and shape for filing, whether by the employer or by the issuing officer.<sup>51</sup> Wherever issuing officers are required also to make reports of certificates issued to the State agency which supplies the blank forms that agency can still further increase its control by numbering all blank certificate forms and re-

<sup>48</sup> See pp. 167-168.

<sup>49</sup> See pp. 49-50, 52-53, 68-69, 71-72, 95-97, 104-106, 141, 147, 149, 151-152, 154-155, 158, 159, 164-175.

<sup>50</sup> See pp. 52-53, 149, 151-152, 158, 160, 201-202.

<sup>51</sup> See p. 167.



quiring local issuing officers to report on the use of each blank with which they have been furnished.

Reports from issuing officers to a State agency and records kept for its use constitute, indeed, the second method of securing at least certain degree of State supervision over the issuance of certificates. The mere requirement, found in the laws of a considerable number of States, that reports of certificates issued be made once a month or twice a month to the State office which has general charge of the enforcement of the law can be used by that office as a basis for supervision over the work of local issuing officers. These reports should always contain, however, and many of these States provide that they shall contain, not only the names of all children to whom certificates have been granted but also the names of all children to whom certificates have been refused, together with reasons for refusal. A comparison of the ratio of certificates issued to certificates refused is often an index of the care with which the work of the certificate office is conducted.<sup>52</sup>

The use that can be made of reports of issuance depends to a considerable extent, however, on the amount of information contained in these reports. In some States only lists of children are required, but in others duplicates of the certificates<sup>53</sup> must be sent, and these duplicates usually show the date of birth of the child, the evidence of age produced, the grade completed, and in many States the occupation and the name of the employer. These duplicate certificates, when carefully examined in the State office, often reveal carelessness or misunderstanding of the law on the part of the issuing officer which the State agency, through its general powers over the enforcement of the law, can correct. Through correspondence or a visit from a State inspector the issuing officer can be made to supply missing information, to correct errors, or to cancel illegally issued certificates. Certificates issued for prohibited occupations, for example, can be promptly revoked. Thus issuing officers can be educated to a better understanding of the law and to a more conscientious fulfillment of their duties. With such reports and general powers of enforcement, indeed, a State agency can do much to secure uniformity in methods of issuing certificates.

These reports also furnish a necessary basis for statistics in regard to the employment of children in a State. Such statistics should be compiled by a State agency and can be obtained most conveniently by the agency which has general authority to enforce the employment certificate law. In at least one State, however, the law provides that the State board of education, which has no other duties in connection with the certificate system, shall pre-

<sup>52</sup> See pp. 130-140.

<sup>53</sup> See p. 167.

scribe what records and statistics concerning the issuance of certificates shall be kept, and requires that these records shall be open to the inspection of this board and its agents. The objection to dividing in this way the administrative and statistical functions which naturally fall to a State agency is that, if proper State supervision is to be exercised, such a division must involve the making out of two sets of reports by busy issuing officers. If, however, only one State agency is to receive reports it should be the agency which enforces the State employment certificate law. The records which should be kept and the reports which should be made by local issuing officers for purposes not related to State supervision will be considered later.<sup>54</sup>

Unfortunately, in some States no reports to, or records open to the inspection of, any State agency are required, and in many offices in these States no records whatever are kept. Furthermore, in many States in which the law requires reports of some kind from local issuing officers to a State agency these reports are not actually made or, if made, are not used by the State agency to assist in any way in securing more uniformly careful issuance of certificates. In studying the administration of child labor laws agents of the Children's Bureau found that in some States in which the State agency concerned was required to furnish blanks for such reports it had even neglected to make any provision for the printing of such forms or for their distribution among the issuing officers.

The laws of a number of States give to a State agency the duty of specifying the evidence of age to be required, and those of a few States require or enable such an agency to determine the precise forms of evidence to be submitted in fulfillment of other requirements for a certificate. In the case of evidence of age, such a provision in itself usually means only the substitution of the administrative discretion of the State agency for the power of the legislature to make detailed requirements;<sup>55</sup> as a method of State supervision it has alone little or no significance. In some States, however, a State agency prepares and furnishes a literacy test to be given by all issuing officers, and thus aids somewhat in bringing about uniformity in a matter which would otherwise be left to the administrative discretion of local officials.<sup>56</sup>

An important method of actual State supervision over local issuance of certificates is furnished by provisions, found in the laws of some States, that detailed statements as to the character of evidence of age offered, duplicate copies of the physical examination records,

<sup>54</sup> See pp. 164-175.

<sup>55</sup> See p. 32.

<sup>56</sup> See pp. 30, 32, 116-117. The State agency sometimes has also special functions in connection with certificates for mentally defective children. See pp. 121, 123.



school records, or even all required evidence, must be submitted to a State agency for examination. The evidence of age itself is not usually sent, and in some States a mere report is made, often only by check mark opposite the printed description on a duplicate of the certificate, as to its character. Unfortunately experience has shown that under present conditions these purely formal reports frequently can not be relied upon. Issuing officers often, for example, fail to distinguish between various kinds of evidence of age and report the presentation of a birth certificate when the evidence actually offered was a baptismal certificate or perhaps only a parent's affidavit as to the date of birth.

In at least one State where issuing officers are required to send to a State supervising agency statements as to the evidence of age upon which certificates have been issued, however, that agency looks up in the records of the State board of health the births of all children for whom evidence other than a birth certificate has been accepted and frequently calls to the attention of issuing officers cases in which these births are found to have been recorded. When the actual documents are submitted, and to a lesser degree when detailed statements as to their character are made, it is possible for the State agency to check up the work of local officers more thoroughly than when it receives only general reports of issuance. In many cases these documents reveal mistakes and violations of law which the State agency can rectify promptly and the future occurrence of which it can prevent by warning the issuing officers concerned.

The State agency is much more likely, however, to use information and documents sent it by local issuing officers to assist in bringing up to a minimum standard the qualifications of children going to work throughout the State if the law provides, not merely that reports or even documents shall be sent for its examination, but that they shall be sent for its approval. As already noted,<sup>57</sup> in some States in which reports are required by law they are rarely made. Sometimes, moreover, in States where the sending in of evidence is required this duty has been either not performed or not promptly performed, and even when sent in the evidence has not been used, or has been used only for statistical purposes, in the State office. In at least one State, however, some good has been accomplished by a requirement that all evidence of age other than a birth certificate, baptismal record or passport shall be submitted to a State office for approval. And in another a very considerable amount of State supervision over the local issuance of certificates has been brought about through a provision that all documents submitted in fulfillment of the requirements for a certificate shall be sent immediately for approval to the State office which has the general duty of

<sup>57</sup> See pp. 38-39.

enforcing the child labor law. These documents are examined in the State office and are usually returned to the local issuing office within a few days. If approved they are filed, and if disapproved the certificate is revoked and an attendance officer is instructed to send the child back to school.

The power to revoke certificates which have been illegally issued is, of course, essential to the efficiency of any method of State supervision over issuance. Even if no other opportunity for control over the issuing of certificates is given, industrial inspectors who have this power of revocation can go back of the certificate to the evidence on the actual facts in the case and can thus prevent many violations of the law.<sup>58</sup> This power has been effectively used, for example, by inspectors under the Federal child labor law who had no direct control whatever over local issuing officers.<sup>59</sup> Wherever some State agency has been given general authority, whether merely as a power or as a duty, to enforce the child labor law this agency is probably empowered, by virtue of that general authority, to inquire into the evidence on which employment certificates are based and to cancel any certificate which it finds to have been issued contrary to law. Its work would, of course, be greatly hampered if it were obliged to accept all employment certificates at their face value. Because of the importance of this power, however, many States have mentioned it definitely in their child labor laws instead of leaving it to be inferred from other more general powers.

Sending out instructions to local issuing officers<sup>60</sup> is not usually made a specific duty of any State agency, but in several States the agency which has the general duty of enforcing the child labor law has prepared and sent to these officers leaflets or pamphlets giving interpretations of various provisions of law relating to their duties. In at least one of these States such a pamphlet, though outlining in detail a model method of issuing certificates, is regarded merely as offering suggestions and not as giving instructions or containing regulations; in other words, the functions of the State agency over the actual work of issuing certificates are considered as merely advisory. In other States, however, these leaflets or pamphlets are considered as definite regulations to govern the work of issuing officers.<sup>61</sup> But even in these latter States such leaflets have usually been

<sup>58</sup> See p. 211.

<sup>59</sup> The revocation of a State certificate by a Federal inspector affected, of course, the employment of the child only in industries covered by the Federal law. If many illegally issued certificates were found in a State the Federal enforcing agency might refuse to accept any of the certificates of that State and might establish its own issuing offices. This power gave it an opportunity to bring pressure to bear upon the State in general but not directly upon local issuing officers.

<sup>60</sup> As a rule adequate instructions can not be given on an employment-certificate form. See pp. 201-202.

<sup>61</sup> See p. 32.

sent out only when an entirely new law was enacted and have not been revised to cover amendments or sent to new issuing officers. Only where the State agency has very definite powers of supervision over the issuing of certificates have all local issuing officers had the benefit of instructions brought up to date at frequent intervals as changes in the law were made or as experience caused changes in administrative methods. Without power to enforce instructions, indeed, there is little incentive to formulate them, and the State agency concerned is likely to content itself with correcting such mistakes of issuing officers as it may discover by the more or less imperfect means at its disposal, instead of attempting the thoroughgoing instruction in methods of issuing needed to prevent such mistakes. Carefully prepared instructions, giving in simple language the provisions of the law and directions for issuing certificates in accordance with it, and describing the procedure to be followed in all the more common variations of circumstances,<sup>62</sup> would undoubtedly assist greatly, even where the direct power of the State agency over issuance was slight, in standardizing methods and requirements. And even more could be accomplished if issuing officers throughout the State were encouraged to write to the State agency for assistance in solving their unusual and difficult problems.

For State supervision to be adequate it is essential that the State agency exercise actual control over the work of local issuing officers. There is, of course, no difficulty in exercising control over issuing officers who are salaried employees of the State agency.<sup>63</sup> Where issuing officers are appointed by the State agency but are not salaried by it and where they have other duties they are less likely, of course, to submit to unwelcome control, as they can easily resign their certificate duties. Nevertheless, the latter plan appears in at least one State to enable the State agency to exercise close supervision over the issuing of certificates.<sup>64</sup> Power to appoint the issuing officers<sup>65</sup> does not seem, however, to be essential to successful State supervision, for in still another State the superintendent of public instruction, who has general power to enforce the child labor laws, has been able to supervise effectively the local superintendents of schools, who are authorized by law to issue certificates. In a number of States, moreover, school officials, designated by law to issue certificates, work harmoniously

<sup>62</sup> See also p. 72.

<sup>63</sup> See pp. 20-21.

<sup>64</sup> For a description of the actual working of the former plan see Administration of Child Labor Laws, Part 1: Employment Certificate System, Connecticut. U. S. Children's Bureau Publication No. 12. Washington, 1915. For a description of the actual working of the latter plan see Administration of Child Labor Laws, Part 4: Employment-Certificate System, Wisconsin. U. S. Children's Bureau Publication No. 85. Washington, 1921.

<sup>65</sup> See pp. 21, 35. See also pp. 195-196.



and effectively under more or less supervision from a labor bureau or industrial commission.

In general the standardization of methods of issuing certificates can probably be accomplished with greater ease if all the specific duties mentioned as of assistance in controlling their issuance are concentrated in the hands of one State agency. This agency (1) should prepare and furnish blank forms for the use of issuing officers (2) should require duplicates of all certificates issued and evidence of the fulfillment of requirements for all certificates to be submitted to it promptly, (3) should at once examine such duplicates and evidence and call to the attention of the issuing officer concerned any mistakes or irregularities discovered, (4) should revoke any certificates which it may find to have been issued illegally, and (5) should prepare and issue instructions, both to issuing officers as to how to issue and to parents and children as to how to secure<sup>66</sup> certificates.

Furthermore, if issuing officers are not designated in the law this State agency should have power to appoint and to remove them. But from whatever source they receive their authority the smaller the number of issuing officers the easier the task of supervision. Wherever possible it would be a great advantage to keep the number so small that they could all gather together for an occasional conference.

These measures alone, however, are not sufficient. The State supervising agency should also have both power to appoint and sufficient funds to maintain a specially trained supervising agent and all the trained assistants necessary to visit every issuing officer frequently, and every new issuing officer immediately after his appointment. This supervising agent, or his assistants, should observe how each issuing officer is doing his work, should explain to him any provisions of the law which he does not fully understand, and should advise him as to the solution of his problems. This agency should, furthermore, have power to make regulations to assist in the enforcement of the standards and these regulations should have the force of law.<sup>67</sup>

With such power of supervision vested in a State office it would be possible to establish a uniform state-wide standard for the issuing of certificates. All children in the State would then be obliged to meet practically the same requirements.

What agency should supervise the issuance of certificates, as well as what local official should issue them, can best be decided in each State after consideration of the special conditions. The essential thing, if all children of the State are to receive equal protection from the law, is that some State agency should have effective supervision over the local issuance of certificates.

<sup>66</sup> See pp. 130-133.

<sup>67</sup> See p. 32.

The two functions of certificate issuing and of inspection for violations are so closely connected, however, that in most States the function of supervising the issuance of certificates can most effectively, and also most economically, be carried on by the State inspecting agency.<sup>68</sup> This general conclusion is not affected by the fact that most States have found it best to place the issuing of certificates in the hands of local school officials and the inspection of industrial establishments for violations of the child labor law in the hands of a State labor department or industrial commission. In any event these two groups of officials are obliged to cooperate closely if the child labor law is to be enforced. In a number of States, as already noted,<sup>69</sup> more or less supervision by labor departments over the work of school officials in issuing certificates is already working smoothly. And, furthermore, in the one State where all issuing officers are actually appointed and removable by an industrial commission about one-half of them are school officials and the proportion of school officials has been increasing. It is sometimes said that school officials make the best issuing officers because they know most about the child, and sometimes it is said that inspectors make the best issuing officers because they know most about the industries. If, as seems probable, these two statements both express the truth as seen from two different sides, the issuance of certificates by school officials under the supervision of labor officials ought to be better than their issuance by either type of officer alone. But whoever the issuing officers may be, the function of supervising their work can probably in most States be carried on most efficiently and economically by the State agency, whether an education or a labor department, which has the power of inspection for violations and also the general power of enforcement of the child labor laws.

The advantages of a centralized system of administration of an employment-certificate system were clearly shown in the results of inspections made under the first Federal child labor law. Inspections in the two States in which adequate powers of supervision over the issuance of certificates and of inspection for violations of the child labor law were both entrusted to one State agency, disclosed fewer violations than in any of the other States. In one of these States not a single child under 14 years of age was found at work in the plants inspected, which employed a total of 2,079 children under 16 years of age, and only 80 children between 14 and 16 were discovered working without certificates. And in the other State only 3 children under 14 were found at work and only 29 were work-

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<sup>68</sup> See pp. 34-35, 209.

<sup>69</sup> See pp. 41-42.



ing without certificates, out of a total of 541 employed. On the other hand, in a State lying between these two and having substantially the same industrial conditions and the same standards for the employment of children, but having no effective State supervision over the issuing of certificates and little cooperation between issuing officers and the inspection department, of 2,375 children found at work 10 were under 14 years of age and 221 were employed without certificates, while 192 of the certificates on file had not been issued in accordance with the requirements of the State law.

## REQUIREMENTS FOR OBTAINING CERTIFICATES.

The chief requirements for obtaining certificates are the presentation of evidence of age and of evidence of physical and educational attainments. The age to be proved may be 14 in one State and 16 in another, or 14 for a regular certificate and only 12 for a vacation certificate. The educational standard may be completion of the fourth grade in one State, of the sixth in another, and of the eighth in another. The physical standards also may differ decidedly, or may not exist at all. In the following discussion, therefore, the combinations of standards existing in individual States and the kinds of certificates for which different requirements must be met are not considered, but attention is concentrated on the methods of proving fulfillment of the different types of requirements, regardless of their relation to each other, and of the kinds of employment certificates<sup>70</sup> for which they are prerequisites.

In addition to evidence of age and of fulfillment of the physical and educational standards two other common requirements for certificates are of sufficient importance to need special discussion. The first is the appearance in person before the issuing officer of the child, or of one of his parents or some one standing in parental relation to him, or of both. And the second is the presentation of a promise of employment from the prospective employer. These requirements are primarily for administrative purposes but are commonly specified in the law. The appearance of the parent may be required only when the child is first leaving school for work, but the child's appearance and the promise of employment are usually required for each different kind of certificate.

Under laws which provide that, in addition to other requirements, a child must prove that his earnings are needed for his own support or that of his family, poverty is made a sixth requirement for an employment certificate. As already noted,<sup>71</sup> this is a different type of provision from the exemption to standards on account of poverty, which is still found in the laws of a few States; but, as in the case of such a poverty exemption, a large amount of administrative discretion must necessarily be exercised in its enforcement. In some issuing offices, however, methods of determining poverty similar to those used by charitable organizations engaged in out-

<sup>70</sup> For a discussion of the different kinds of employment certificates see pp. 126 to 130.

<sup>71</sup> See pp. 11, 28, 31.

door relief have been applied with good results. And occasionally some other type of general rule has been adopted for the special protection of children. One issuing officer, for example, announced during a period of unemployment in his community that he would not consider the application of a child for a certificate if there was an older member of the family unemployed because he could not find work; he held that in such a case it was the duty of the older person to take the position offered the child even though the pay was small and the work not the type to which he was accustomed.

#### APPEARANCE IN PERSON OF CHILD AND PARENT.

The laws of most States require, either directly or indirectly, that the child applying for an employment certificate shall appear in person before the issuing officer. In many States the law specifically states that the child must apply in person. In other States his appearance is made necessary by other requirements, such as that the certificate shall contain a physical description of the child or that he must sign it in the presence of the issuing officer,<sup>72</sup> that a child who does not seem to the issuing officer to be in sound health must have a physical examination,<sup>73</sup> or that the issuing officer must certify to the child's ability to read and write English.<sup>74</sup> Furthermore, in States in which any State agency has power to make regulations as to the issuance of certificates or in which local issuing officers have any administrative discretion in the matter<sup>75</sup> the child's appearance may be required. As a result of various provisions, interpretations, and regulations, therefore, children are usually required to present themselves at the issuing office before they are granted certificates.

The requirement that the child shall appear seems an eminently reasonable and desirable one and is usually strictly enforced. In at least two States, however, in which control over the issuing of certificates is highly centralized, the State supervising agency occasionally issues a certificate by mail to a child in a remote district; in one of these States this action is taken upon information furnished by a school supervisor. Usually this is done only in case of a child who has already held a certificate and presented evidence of fulfillment of the requirements and is merely applying for a new certificate because of a change in position. The issuing of certificates by mail by an agency which has supervisory control over the issuance of certificates throughout the State is probably preferable to their issuance by inexperienced or unsuitable local officials. Nevertheless, the issu-

<sup>72</sup> See pp. 168, 214-215.

<sup>73</sup> See p. 78.

<sup>74</sup> See p. 97.

<sup>75</sup> See pp. 28, 30-32, 40-41, 42.

ice by mail, at least of first certificates,<sup>76</sup> is undesirable inasmuch as it gives the issuing officer no opportunity to talk with the child or parent and urge that the child stay in or return to school.<sup>77</sup> Under other circumstances, moreover, should certificates be issued by mail by unsupervised local issuing officers. Furthermore, under no circumstances should they be issued, as they sometimes have been in States where the law does not require the child's appearance, upon the application only of the prospective employer, without interviewing either the child or his parents.

The appearance of one of the parents, or of the guardian or "legal custodian" of the child, is also frequently, though not so generally, required either by law or by administrative regulations. Usually when the application for a certificate is made by the child, the parent must also appear at some time during the procedure.<sup>78</sup> As in the case of the child's appearance, however, the presence of the parent is often made necessary, not directly, but by the implication of some other requirement, such as that the parent shall sign the certificate or an information card, or both. In at least one State the fact that a copy of the certificate must be "delivered" to the parent or guardian is held to imply that the parent or guardian must be present.

In many issuing offices the parent is required to appear when the evidence of age is presented in order that the issuing officer may have an opportunity to question him as to the child's age and the validity of the evidence offered. In some States, however, the parent is required to appear only when resort must be had to certain kinds of evidence of age. For example, wherever there is a definite order of preference in evidence of age one of the child's parents may be required to appear in all cases in which the first preferred evidence is not presented, in order to certify that it can not be obtained.<sup>79</sup> In some places, if no documentary evidence of age is available, the application for a physician's certificate of age must be made by the parent in person.<sup>80</sup> And in places where a parent's affidavit is still accepted as proof of age this affidavit is usually made at the issuing office.<sup>81</sup>

If neither of the child's parents is able to appear, in some places an attendance officer is sent to the home to secure the necessary signature or affidavit, and occasionally, where no signature is required, the parent is interviewed over the telephone. But in a number of

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<sup>76</sup> See pp. 144-145.

<sup>77</sup> See pp. 31, 48-49.

<sup>78</sup> See p. 135. See also p. 102.

<sup>79</sup> See p. 73.

<sup>80</sup> See p. 67.

<sup>81</sup> See p. 67.



places some one else—usually an older brother, sister, or other relative, but sometimes an intimate friend of the family or other person—is allowed to represent the parent. In offices where the requirement of the parent's appearance is most carefully enforced the child is closely questioned as to the inability of either parent to come to the issuing office and, if his statement seems to be correct, his parent is required to designate in writing, sometimes on a blank form furnished by the certificate office, the person who is to appear and act in his place. Some issuing officers require that the parent make affidavit that he is unable to appear. If the child satisfies the issuing officer that his parents are both dead, or live in another State or country, in at least one office he must bring some one to sign a sworn statement to that effect and to act in place of a parent. In a few States the law provides that if a child has no parent or guardian his "next friend" may appear. On the other hand, in one State agents of the Children's Bureau found that the term "guardian" was strictly interpreted to mean legal guardian and that a child who had no parent or legal guardian in this country could not secure an employment certificate. This interpretation is said to have been effective in preventing boarding-house keepers and relatives from exploiting children for their wages.

Not only do many States fail to require the parent's appearance when a child applies for an employment certificate, but in many States, both those which have and those which have not such a requirement, local issuing officers differ widely in their practice in this matter. Sometimes, even in States where the law, either expressly or by implication, requires that the parent shall appear, if neither parent comes with the child nothing is said or done about it. Sometimes, too, the requirement is waived without further inquiry on the child's unsupported statement that neither of his parents can come. And frequently unauthorized persons, or persons with no proof of authorization, are allowed to represent the parent, often when the parent could easily appear. In many offices there is nothing to prevent a child from bringing any casual acquaintance who looks a little older than he does to pose as an older brother or sister or cousin or aunt. If this is done it not only defeats the purpose of the requirement that the parent shall appear, but undermines the child's respect for the law.

Except where the presence of the parent is necessary in connection with furnishing proof of the child's age, the main purpose of the requirement that the parent shall appear is to enable the issuing officer, first, to inquire into the family status and the need for the child's work,<sup>82</sup> and, second, to endeavor to persuade the parent to

<sup>82</sup> See pp. 30-31, 45-56.

have the child remain in school.<sup>83</sup> Wherever the issuing officer is empowered to refuse a certificate if he believes such refusal to be for the best interest of the child, or for any other reason, he can hardly exercise this power intelligently without interviewing one of the child's parents. The opportunity to interview the parent also makes it possible for the issuing officer to assure himself that the child is not leaving school for work without his parents' consent. Although in the great majority of cases the parents are probably willing to have the child go to work, in many instances they have been persuaded into willingness only by the child's insistent desire to leave school. And the issuing officer, by talking the matter over with the child and the parent together, is able to convince them both that it would be better for the child to remain in school longer, working perhaps during the summer vacation. Many children, doubtless, who leave school early, later regret the step but are ashamed to return because they have lost so much time that they would be graded lower than their former school friends and other children of the same age. A little friendly advice to parent and child at the right time often saves a child from thus cutting short his education because of temporary dissatisfaction or restlessness.

#### PROMISE OF EMPLOYMENT.

In most States in which the employment certificate is made out to a particular employer and is good only in his hands<sup>84</sup> the law requires that the child shall bring a promise of employment from a prospective employer before he can obtain a certificate. In some States where the law is not specific upon this point such a promise is interpreted to be implied by some other provision, such as the requirement that the child shall be physically able to perform the particular work which he expects to do.<sup>85</sup> Wherever general power to make rules and regulations relating to the enforcement of the child labor law is given to any State agency, moreover, or wherever such an agency or the local issuing officers have sufficient administrative discretion over the issuance of certificates to make such rules and regulations,<sup>86</sup> a promise of employment may, of course, be added to the requirements specifically mentioned in the law, and occasionally this is done. In States, however, in which local officials work without supervision from any central agency the practice in this matter, as in all others, varies widely among issuing officers.

In many other States and cities in which no form of promise of employment is required, such a promise might be made a prerequi-

<sup>83</sup> See pp. 133-135. For similar efforts on the part of the officials who issue school records see pp. 101-102, 103-104.

<sup>84</sup> See pp. 126; 129-130.

<sup>85</sup> See pp. 52, 83-84.

<sup>86</sup> See pp. 28, 30-32, 41, 42.

site to leaving school for work under the provisions of compulsory school attendance laws which require all children of certificate ages to be in school unless they are regularly at work.<sup>87</sup> In States which have laws of this kind, if such a promise is not required, any child who wishes to do so may use an employment certificate merely to avoid attending school. Furthermore, in such States, many children who wish to work are actually out of school for considerable periods in the interval between securing their certificates and finding their first positions.

To assist in the enforcement of school attendance, the promise of employment should be a written, bona fide promise signed by the employer or by some one acting for him.<sup>88</sup> In several States the law provides that it shall be signed by the employer or his authorized representative; and the laws of some States require that it shall contain, in addition to a promise to employ the child if he obtains a certificate, a written agreement to return the certificate to the issuing officer on termination of the child's employment.<sup>89</sup> In many States, moreover, special forms have been provided for the employer's promise of employment and have been distributed widely among employers, and in some cases also among schools and in other places.

In some issuing offices, however, no special form of promise of employment has been provided, in others the use of the form prepared for that purpose is not required, and in still others, in some cases even in States where the law requires a written promise, oral promises are accepted. The promises of employment found in some issuing offices by agents of the Children's Bureau consisted of the widest possible variety of notes, generally very brief and sometimes mere scrawls on soiled scraps of paper or on business cards. In some offices, if the child did not bring a written promise of employment but said he was to work for a certain employer, the issuing officer telephoned the employer and asked whether he desired to employ the child. If he said he did, his oral statement was sometimes considered sufficient, but sometimes he was asked to send in later a written promise to employ the child—a request which he might or might not heed. In other offices the child who applied without a written promise was merely questioned as to whether he had a position and where, and his statement was accepted. Such an oral statement is, of course, no guaranty that the child actually goes to work.

Carelessness in regard to promises of employment is excused by some issuing officers on the ground that the certificate is mailed to the employer and would be returned if the promise were false, or

<sup>87</sup> See pp. 14, 52, 157-158.

<sup>88</sup> See also pp. 163-164.

<sup>89</sup> See pp. 159-161, 201.



at the employer is required to send in a notification of some sort at the child has begun work and that, if the promise were not true, the fact would be uncovered when the employer failed to send this notification.<sup>90</sup> In the first case, however, the employer may put the undesired certificate in the wastebasket instead of using the name and the stamp necessary to return it to the issuing office, or he may keep it for use in case some child whom he may wish to employ applies without a certificate.<sup>91</sup> And in the second case, even if employers sent in promptly notices of commencement of employment and attendance officers followed up promptly children for whom such notices had not been received, which in practice they rarely do, the child would have been permitted to leave school, losing inevitably some schooltime and so dropping behind in his studies, and the attendance officer would have had the trouble of visiting his home and inducing him by persuasion or threats to return to school.<sup>92</sup>

The requirement of a promise of employment has two other purposes to serve, however, in addition to its main purpose of preventing children from remaining out of school on employment certificates without being actually at work. In States where the law requires a physician's certificate to the effect that a child is physically fit for the work which he intends to do or contains any similar provision relating physical condition to occupation,<sup>93</sup> the promise of employment must usually state the occupation in which the employer intends to use the child's labor, and this serves as a notification to the physician and to the issuing officer as to what the child is expected to do. In at least one State the form which the physician must sign in certifying the child's physical condition is placed on the back of the promise-employment form, on which the employer must enter the occupation, so that the physician can hardly avoid learning of the intended occupation before signing his certification of physical fitness.

The second additional purpose served by the promise of employment is to enable the issuing officer to assist in the enforcement of the standards relating to dangerous or injurious occupations and to hours of labor by refusing to issue certificates for illegal occupations or for illegal hours.<sup>94</sup> In many issuing offices much illegal employment is prevented by the supervision exercised by the issuing officer over the character of work and the hours of labor proposed. It is probable that willful violations of the law can rarely be discovered by this method, because if an employer intends to violate the law he will make false statements as to occupation and hours on the promise of employment. But unintentional violations, due only to the employ-

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<sup>90</sup> See pp. 141-143, 157-159.

<sup>91</sup> See pp. 147, 159.

<sup>92</sup> See pp. 193, 194.

<sup>93</sup> See pp. 83-84.

<sup>94</sup> See pp. 12-13, 52, 136, 144.



er's ignorance, but which might otherwise go on for some time before being discovered by an inspector,<sup>95</sup> are often prevented.

In many offices, however, employers are allowed to give such indefinite or inaccurate designations of proposed occupations that many of their statements are of little or no assistance, either to the physician in determining the child's physical fitness or to the issuing officer in deciding as to the legality of the work. Unless required to be more exact, employers tend to enter merely "helper" or "general helper" or "errands," without stating even whether the work is to be carried on indoors or outdoors. In some cases, too, employers make absolutely incorrect statements as to the child's occupation. In one issuing office, for example, it was found that all the promises of employment issued by a certain shoe factory were for one occupation; the employer, of course, distributed the children, when they came in with their certificates, to the various departments and occupations as suited his convenience. Even when employers have tried to state the occupations correctly, questioning the children when they returned for subsequent certificates has frequently revealed the fact that the name of the occupation designated was used for a number of different kinds of work. Yet unless the kind of work which the child is expected to do is indicated both specifically and accurately on the promise of employment examining physicians may be misled as to a child's fitness for the position and issuing officers may, and undoubtedly often do, issue certificates for dangerous or injurious occupations in which the employment of children has been absolutely prohibited by law.

The requirement of a promise of employment before a certificate is granted is essential to the enforcement of the law in States which require children to be in school if not regularly employed and in States in which the physical standard for employment bears any relation to the occupation; at the same time it is extremely desirable in all States which have any list of occupations forbidden to children of certificate ages or which limit their hours of labor. To be of maximum assistance in enforcing these standards the promise of employment should be made always upon a form prepared and furnished for the purpose. This form should contain, in addition to spaces for the date, the name of the child, and the signature of the employer or his authorized representative and his address, spaces for the hours of work per day and per week, for the industry, and for an exact description of the occupation in which the child is to be employed. To know the industry is often of assistance in understanding the character of the occupation. Furthermore, wherever such a requirement exists, promise-of-employment forms may well contain a promise also to return the certificate on termination

<sup>95</sup> See pp. 217-218.

of the child's employment—a point on which education is especially needed.<sup>96</sup> Such forms, if distributed among employers and available at the issuing office, would be found more convenient, as well as more likely to insure accurate and sufficiently detailed information, than the usual mere statements from employers that they desire to employ certain children, which sometimes do not even give the children's names.<sup>97</sup>

### EVIDENCE OF AGE.

Accurate evidence of age, as already noted,<sup>98</sup> is fundamental, not only to the enforcement of a minimum age, but also to the enforcement of all other standards for employment. Child-labor standards apply necessarily to children and young persons of designated ages, and for their enforcement it is essential to know, not only the exact date when a child may legally go to work, but also the exact date when he becomes no longer subject to any regulation based on his age. It is not sufficient that the evidence shall show the child to be over the minimum age for the occupation specified on his promise of employment, since other regulations—age limits in dangerous occupations, limitations on hours of labor, and compulsory school and continuation-school attendance<sup>99</sup>—are also to be enforced. Wherever possible, therefore, the exact date of birth, and with it the exact date up to which the child will be subject to any form of regulation, should be ascertained. Furthermore, under the various provisions of workmen's compensation laws which in effect impose special and often unusually heavy penalties for employing children illegally,<sup>1</sup> the possession of an employment certificate, even though unlawfully issued, is usually a complete defense to an employer, so that an issuing officer who accepts inadequate evidence of age is doing great injustice to the individual child who may be injured and is also weakening the effectiveness of this weapon for the enforcement of child-labor standards. No matter how much trouble it may cause, therefore, issuing officers should regard it as their duty to obtain absolutely the best evidence of age which can be secured for each individual child.<sup>2</sup>

The subject of the evidence which should be required to prove the age of a child applying for an employment certificate has been given considerable study, not only in framing and administering State laws, but also in connection with the administration of the two Fed-

<sup>96</sup> See pp. 36, 50.

<sup>97</sup> For the filing of promises of employment see p. 166.

<sup>98</sup> See p. 5. In connection with this subject see also pp. 28-29, 38-39.

<sup>99</sup> See pp. 12-14, 51-52, 176-177, 195-196, 217-218.

<sup>1</sup> See pp. 225-226.

<sup>2</sup> For the filing and return of evidence of age see pp. 141, 166-167.

eral child labor laws. For employment certificates under the first Federal law the following evidence of age was required:<sup>3</sup>

(a) A birth certificate or attested transcript thereof issued by a registrar vital statistics or other officer charged with the duty of recording births.

(b) A record of baptism or a certificate or attested transcript thereof showing the date of birth and place of baptism of the child.

(c) A bona fide contemporary record of the date and place of the child's birth kept in the Bible in which the records of the births in the family of the child are preserved, or other documentary evidence satisfactory to the Secretary of Labor or such person as he may designate, such as a passport showing the age of the child, a certificate of arrival in the United States issued by the United States immigration officers and showing the age of the child, or a life insurance policy: *Provided*, That such other satisfactory documentary evidence has been in existence at least one year prior to the time it is offered in evidence: *And provided further*, That a school record or a parent's, guardian's, custodian's affidavit, certificate, or other written statement of age shall not be accepted except as specified in paragraph (d).

(d) A certificate signed by a public-health physician or a public-school physician, specifying what in the opinion of such physician is the physical age of the child; such certificate shall show the height and weight of the child and other facts concerning its physical development revealed by such examination and upon which the opinion of the physician as to the physical age of the child is based. A parent's, guardian's, or custodian's certificate as to the age of the child and a record of age as given on the register of the school which the child first attended or in the school census, if obtainable, shall be submitted with the physician's certificate showing physical age.

The regulations adopted by the board also provided that—the officer issuing the age certificate for a child shall require the evidence of age specified in subdivision (a) in preference to that specified in any subsequent subdivision and shall not accept the evidence of age permitted by any subsequent subdivision unless he shall receive and file evidence that the evidence of age required by the preceding subdivision or subdivisions can not be obtained.

Practically the same regulations as to evidence of age were adopted in the enforcement of the second Federal child labor law except that a life-insurance policy, to be accepted as evidence, must have been in existence for at least four years instead of one. Moreover, while these two laws were in effect many States, in order to make their evidence-of-age requirements conform to those adopted by the Federal board and thus to insure the acceptance of their certificates for children engaged in work coming under the Federal act, adopted substantially the same requirements, either by law or by regulation having the force of law.<sup>4</sup> In many States, however, the evidence of age demanded of applicants for employment certificates, either by

<sup>3</sup> From rules and regulations made by the board consisting of the Attorney General, the Secretary of Commerce, and the Secretary of Labor for carrying out the provisions of an act to prevent interstate commerce in the products of child labor, and for other purposes, approved September 1, 1916. Child Labor Division Circular No. 1, Children's Bureau, U. S. Department of Labor. Washington, 1917.

<sup>4</sup> See pp. 32, 42.



the law or by the regulations, is still inadequate, and in many where the law or the regulations require the best evidence obtainable local issuing officers, because of ignorance, carelessness, and lack of supervision, frequently accept inadequate evidence<sup>5</sup> even in cases where good evidence is available. In some issuing offices little or no effort is made to secure the preferred forms of evidence, but whatever document is offered is accepted—even in some cases documents specifically forbidden by law. It is safe to say, indeed, that in few States is the evidence of age demanded the best obtainable, and in few States are all children required to bring substantially the same evidence regardless of the particular city or town where they happen to apply.<sup>6</sup>

### Birth certificates.

The best evidence of age is, without doubt, a certificate of birth issued by an official registrar of vital statistics or an attested transcript of such a certificate. No other evidence is so completely guarded against the possibility of alteration, and no other evidence is so generally based upon a record made at the time of the child's birth and therefore so completely free from the possibility of fraud. Only when all States of this country and all foreign countries from which children come have complete birth records extending back to the year when the oldest child applying for an employment certificate was born, each record made within a brief period after the birth occurred, will the problem of keeping all children in school until they are of legal age to work be solved.<sup>7</sup>

Unfortunately in many States birth registration is comparatively new; almost half the States are still outside the birth-registration area, which consists of States in which, in the judgment of the Bureau of the Census, at least 90 per cent of the births are recorded; and in a great part of that area the records of births which occurred from 14 to 16 years ago are too imperfect to be of much use to children now applying for employment certificates. Furthermore, in some of the countries of eastern and southeastern Europe from which immigration is now coming birth registration is far from perfect. In most European countries, however, it has been carried on for longer periods and is better enforced than in most of our States. From many of these countries—Italy, for example—birth certificates can be secured with little difficulty. And in several States of this country birth certificates can be obtained for a great majority of the children born in the State, who in many cities constitute from three-fourths to nine-tenths of the applicants.

In one class of cases, however, birth certificates do not constitute impeachable evidence of age. These are the cases in which births

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<sup>5</sup> For example, see p. 3.

<sup>6</sup> See pp. 28–29.

<sup>7</sup> See also pp. 70–72.



have been registered, not at the time they occurred but some year later. The birth registration laws of most States require that a birth shall be registered by the physician or midwife—or by some one else in attendance—within a short period after its occurrence, and provide a penalty for failure to register within the proper period. Some of these laws, however, provide also that if a birth has not been registered within this period as required it may be registered at any time thereafter upon affidavit of the parent, of the attending physician or midwife, or of any other person who has actual knowledge of the time of the birth and of the child's parentage. And even laws which do not have any such specific provision do not prohibit parents from registering the births of their children at any time. As a result, though a parent's affidavit of age is not considered acceptable proof in an application for an employment certificate,<sup>8</sup> it may be accepted in an application for the registration of a birth; and a birth certificate, even when thus secured, is the preferred evidence in an application for an employment certificate. In some places the pressure exerted by certificate-issuing officers to secure birth certificates as evidence of age has resulted in many births being registered by this process; and it has been discovered that some parents, finding that no documentary evidence was required, have had children's births registered as taking place earlier than they actually occurred in order to secure birth certificates which would entitle the children to employment certificates or to exemption from regulations as to hours, occupations, or continuation-school attendance. In some cases it has been found, indeed, that a child whose correct date of birth had already been recorded had been registered again by this process under an earlier date, and that the recording clerk had failed to discover the previous registration because of slight differences in the spelling of the name. Obviously a birth certificate secured as a result of registration on the oath of the parent for the purpose of securing evidence of age to use in applying for an employment certificate is worth no more than the parent's affidavit on which it rests. Such cases could easily be eliminated, however, by requiring that, for a birth certificate to serve as preferred evidence of age in an application for an employment certificate, the birth must have been recorded at least one or two years previous to such use or, as would be better, within a few days or weeks after it took place. The date of registration should always be given on a transcript of a birth certificate.

In most places, unfortunately, the first practical use made of birth certificates, and therefore the first reminder to parents of their importance, does not come until the child is 14 years of age or more and

<sup>8</sup> See pp. 65-66.

<sup>9</sup> See pp. 11, 12-13.

wishes to apply for an employment certificate. In one State, however, the parent, at the time the child first enters school, must submit to the school authorities evidence of the child's age consisting of a birth certificate, baptismal certificate, or passport, or, in case no such evidence can be produced, his affidavit as to the child's age. Although under this law other documents are as acceptable as birth certificates and resort may be had to parents' affidavits, such a provision would doubtless result in comparatively early registration of many births which had not been recorded at the time they occurred and would lead to the accumulation of documentary evidence of age which would be of great value later when the children wished to go to work. In a few cities in other States, moreover, efforts have been made within recent years to have birth certificates produced for all children when they first enter school. If in all States parents were required to produce birth certificates for children at the time they entered school, failure to have births registered would be discovered and remedied comparatively early, when there was little reason and little opportunity for falsification of ages. Parents' affidavits,<sup>10</sup> however, even though made when their children first enter school, are not always reliable, for sometimes mothers overstate the ages of their children in order to put them into school before the legal age for entering and so be relieved of their care at home. Only registration of a birth made within the first few days or weeks after it has occurred furnishes entirely trustworthy evidence of age.

For a birth certificate or attested transcript of such a certificate to be available always as evidence of age, even when the birth has been registered, it is essential that the records of the vital statistics office be so kept that the existence or nonexistence of a record for each individual child can be ascertained with the least possible effort. If the records are so carelessly kept that a birth is reported not to have been registered when it actually was registered, the issuing officer inevitably accepts less trustworthy evidence of age. Moreover, if the records are kept chronologically only, so that the date of birth must be known before the record can be found, a child who states that he was born a few months earlier than he actually was may secure a statement from the registrar that his birth was not registered and may then present other evidence which he or his parents have had an opportunity to falsify. For this reason birth records, at least for each year, should be filed alphabetically, and great care should be taken when the birth is registered to see that the name is spelled correctly. In the case of foreign names, especially, changes in spelling sometimes interfere with finding the record; to avoid failure from this cause to secure an official record of

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<sup>10</sup> See pp. 65-66.

birth for a child who wishes to go to work the registrar should question both child and parent as to such changes and should try all possible spellings before abandoning the search. In short, birth records should be so carefully made, filed, and examined that a birth certificate or transcript can be furnished every child whose birth has been registered, even though a wrong date of birth is given.

Under no circumstances should a child be obliged to pay a fee for a birth certificate or transcript for use in applying for an employment certificate, or for a search of the files to determine whether his birth was registered. Unfortunately in many States registrars of vital statistics are permitted, and in some they are even required, to charge a fee for a transcript of a birth certificate, or for a search of the records, no matter what the purpose. In some offices this fee is not asked, and some laws provide that it shall not be required of a child who wishes the record to use in an application for an employment certificate, though it is asked if the record is for other purposes—for example, to enable the child to attend moving-picture shows unaccompanied by an adult. In at least one city the issuing officer has made arrangements with the local registrar whereby a child who is applying for an employment certificate is given a card at the issuing office stating that he wishes the record of his birth in connection with his application. Children presenting these cards are not required to pay the fees which are charged when birth certificates are applied for to serve other purposes. In another city a clerk from the issuing office goes daily to the registrar's office to search the records for the dates of birth of all children who have applied for employment certificates during the preceding day.<sup>11</sup> In many cities, however, a fee of from 10 cents to \$1 is demanded for a copy of a birth certificate or for an examination of the records, and it was found by agents of the Children's Bureau that issuing officers, especially in places where the records were so incomplete that the chances of the child's being able to secure a birth certificate were not good, often considered this fee so great a hardship to the child that they accepted less satisfactory evidence without requiring the child to apply for a birth certificate.

In some places registrars and their clerks are so busy with other duties that they refuse to make any effort to furnish birth certificates to children. Under such circumstances, of course, it is usually impracticable for issuing officers to require the presentation of this evidence of age. It should be made by law the duty of registrars of vital statistics to consult their records and furnish transcripts of birth certificates whenever possible to applicants for employment certificates.

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<sup>11</sup> See p. 137.



In some offices it has been found entirely satisfactory in the case of children born in the same city to require, not a complete transcript of the birth certificate, but merely a card signed by the registrar, giving the child's name and the date of his birth. It is much less trouble to the registrar to make out this card than to copy and attest a transcript of the entire birth certificate with its detailed information. The only objection to this method is that it does not give the issuing officer an opportunity by means of this detailed information to check up possible mistakes on the part of the registrar such as, when two children of the same name have been registered, using the record of the wrong child. Such mistakes are probably infrequent, however, as the registrar usually has the same opportunity to question the child as to the names of his father and mother and the address at which he was born as has the issuing officer. In the case of children born elsewhere than in the city where they are applying, such cards are not adequate evidence, because the issuing officer has no means, such as his familiarity with the handwriting of the local registrar, of knowing that they are genuine. For these children, therefore, the more formal attested transcript seems essential.

In a few cities it has been arranged to keep in the issuing office the register or an index of all births of children of certificate age which have occurred in the city. When such a record or index is arranged in alphabetical order it can be referred to easily and quickly by the issuing officer. In these cities it is not necessary for a child who was born in the city and whose birth was registered to present a birth certificate, or transcript of such a certificate, for the issuing office already has on file his evidence of age. This saves the child or parent trouble and delay. Furthermore, the issuing officer has an opportunity to make sure, so far as children born in the city are concerned, not only that resort is had to less satisfactory evidence than the public birth records only in case of real failure to register the birth or to register it early enough,<sup>12</sup> but also that interested persons have had no opportunity to tamper with the documents presented.<sup>13</sup>

In some States the office of the State registrar of vital statistics as well as the offices of local registrars can be used to secure birth certificates, and sometimes the State office furnishes them free though local offices charge fees. Such certificates should always be readily and freely available at any local office, but if a child was not born in the city where he is applying for a certificate it is often a great convenience to be able to write to the State registrar's office. For

<sup>12</sup> See pp. 70-71.

<sup>13</sup> See p. 60.



this reason, as well as because of the fact already mentioned,<sup>14</sup> that its records can be used effectively by a State supervising agency to test the diligence of local issuing officers in requiring birth certificates in all possible cases before accepting other evidence of age. The State registrar's office should keep its records in such shape that they can be consulted whenever desirable in connection with the enforcement of the child labor law.

Even in the case of birth certificates, and to a much greater degree in the case of other evidence, such as baptismal certificates<sup>15</sup> and Bible records,<sup>16</sup> it is necessary for the issuing officer to examine carefully the document presented, not only to determine its authenticity but to discover signs of alteration or erasure, especially in the name of the child or the date of birth.<sup>17</sup> Differences in the color of the ink sometimes reveal changed names or dates. As a rule no document should be accepted which bears any sign of alteration.<sup>18</sup> Furthermore, any other evidence later brought by a child who has produced such a document should be scrutinized with particular care and, if the child is given a physical examination for evidence of age,<sup>19</sup> the physician who makes that examination should be informed as to the questionable evidence.

### **Baptismal certificates.**

The baptismal certificate has long been recognized in child-labor legislation as standing next to the birth certificate as trustworthy evidence of age. In the laws of a number of States it is still, indeed, considered as of equal rank with the birth certificate; in these States resort must be had to other evidence only in case neither a birth nor a baptismal certificate is available.<sup>20</sup> In some States, indeed, baptismal records have been so extensively used by State registrars or vital statistics as a source of information for the registration of previously unregistered births, in an effort to show official record of enough births to enable the State to pass the test for admission into the United States birth-registration area, that baptismal records, bearing the seal of the church or written on church letter-head stationery, are generally considered at least as good evidence as birth certificates—and for births recorded long after the event,<sup>21</sup> better evidence. While the vital statistics record of births is kept

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<sup>14</sup> See p. 39.

<sup>15</sup> See pp. 60-62.

<sup>16</sup> See pp. 62-65.

<sup>17</sup> For illustrations of some of the fraudulent documents which have been presented in applications for employment certificates, see *Administration of the First Federal Child Labor Law* (passim).

<sup>18</sup> For the penalty in case of fraud see p. 73.

<sup>19</sup> See pp. 67-70.

<sup>20</sup> See pp. 72-73.

<sup>21</sup> See pp. 55-56.

by a public official, the record of baptisms is kept by a church official. In neither case, therefore, is the original record subject to the possibility of being tampered with by the parent or child in order to make the child appear to be older than his real age.

As in the case of public birth records, however, to be entirely trustworthy the record of baptism must have been in existence long enough to preclude the possibility of the age having been misstated when it was made. The records from churches which practice infant baptism are, therefore, the most reliable. In one State a baptismal certificate which bears a date at least 10 years prior to the date of application for an employment certificate and which shows the date of birth and place of baptism, is equally acceptable with a birth certificate. But even if the date of birth is missing on a baptismal certificate it is, of course, if a genuine document, valid evidence that the child was born before the date shown thereon; and in case of infant baptism, provided the date of birth claimed is only a few days prior to the date of baptism as established by the certificate, it may be accepted. In any event the date of baptism should be given, just as the date of registration of birth should be given, to enable the issuing officer to judge the value of the evidence. Yet in most States neither the law nor the regulations take into account the date of baptism.

The genuineness of documents presented as baptismal certificates is open to at least as much question as that of documents presented as birth certificates, and the same care should be exercised to detect erasures or alterations.<sup>22</sup> The seal of the church or the use of official stationery, together with the signature of the priest or pastor, is in most cases sufficient evidence of genuineness provided the document bears no signs of alteration and gives the date and place of baptism. In some offices, however, it has been discovered that certain persons have made and sold fraudulent baptismal certificates to children who wished to work or whose parents wished them to work before they were 14 years of age. To prevent such evasions of the law it has been found necessary in at least one office to require, before accepting certain foreign baptismal certificates, that the signatures of the church officials be attested by the United States consul in the place of issuance or by some other person known to the issuing officer who is familiar with the signatures.

Under no circumstances should a mere letter from a pastor or priest giving only the date of the child's birth, even though written on church stationery and bearing the church seal, be accepted as a transcript of a baptismal certificate. In many offices it has been found that such a letter is often based not on any church record but on the mere statement of the child or the parent that he was born

<sup>22</sup> See p. 60.

on the date specified. No document should be accepted as a transcript of a baptismal certificate, indeed, which does not either reproduce in full the facts given on the original church record of baptisms or state definitely that it is based on such a record and give the date of baptism.

### **Other documentary evidence.**

A Bible record giving the name of the child and the date and place of birth is trustworthy evidence of age, provided it was made at the time of the birth. The family Bible, however, is kept in the home and in many cases it is extremely difficult to tell when the entry was made.<sup>23</sup> Cases have been discovered in which the Bible was purchased just before the child applied for a certificate for the purpose of making the entry. In accepting Bible records, therefore, it is necessary for the issuing officer to exercise special care to prevent fraud. In no case should a leaf torn from a Bible be accepted, for the issuing officer should examine the book to ascertain the date of publication and should examine other records made in it, such as the date of marriage of the parents and the dates of birth of all other children in the family, to detect inconsistencies. As a rule no Bible record made in pencil should be accepted.

Passports are in some cases the best documentary evidence of age which can be offered by foreign-born children. As a rule their genuineness as documents can not be questioned, but the ages given are merely those stated by the parents when they obtained the passports. In this case the parent is more likely, however, to represent that the child is younger than that he is older than his real age because of the lower steamship and railroad fares for young children. The only exception would be in a case where the child was not far from working age when he came over and the parent knew that he would have to use the passport to enable the child to work after his arrival. As most immigrants have friends or relatives in this country who advise them on all sorts of matters before they come, such knowledge is probably not at all uncommon. To minimize the danger of fraud through parents giving too high ages for their children when applying for passports, the Federal child-labor regulations provided that the passport must have been issued at least a year before the application for a certificate. Apart from this danger, however, is the danger that the passport may not belong to the family by whom it is presented in application for a certificate. Not only may a passport be borrowed from a friend or relative, but in the case of immigrants from some countries racial, religious, or political persecution may have caused the use of a passport belonging to some other family in order to escape from the country.

<sup>23</sup> See pp. 60, 64.



In offices where many of the applicants are foreign born the translation of passports, and also of birth and baptismal certificates, is a problem. All such translations should be made by responsible persons known to the issuing officer and even then the most careful issuing officers require that the original document shall be presented with the translation. In some cities translations of such documents are made by evening-school teachers of classes of the foreign-born, and in others the applicant is obliged to pay a notary for a translation. If some one competent to translate the document is readily available in the issuing office the translation may be made orally to the issuing officer, who may then merely record the date of birth as given. In many cities the issuing officer is sufficiently familiar with the native languages of the majority of foreign-born applicants in his locality to discover the meaning of the most important words of the document, and the figures and dates are usually given in Arabic or Roman numerals. Under no circumstances should a translation, either oral or written, made by the child or parent, or by anyone accompanying the child as a representative of the parent,<sup>24</sup> be accepted.

Certificates of arrival in the United States issued by the United States immigration officers and showing the age of the child are based merely on the ship's manifest, or, in other words, like passports, upon the parent's statement without proof of age. As in the case of passports, therefore, the age is probably more likely to be too low than too high except, perhaps, for a child near working age at the time of arrival.<sup>25</sup> In such cases the danger of fraud may be lessened, if not eliminated, by a provision that a certificate of arrival, like a passport, shall have been issued at least a year before the application for an employment certificate.

A life-insurance policy, to be used as evidence of age under the latest Federal regulations, must have been in existence for at least four years previous to the application. The value of this evidence, indeed, consists in the fact that at the time it was made the parents were probably under no temptation to give the child's age as higher than it actually was; for, like that on the passport and the immigration record, the date of birth given on a life-insurance policy is based solely on the parent's statement. Nevertheless, many issuing officers believe that a life-insurance policy is particularly satisfactory evidence of age because the younger the child the lower the premiums, and, therefore, in applying for such a policy, a parent is more likely to give too low than too high an age.

In many States the law, after mentioning specifically birth and baptismal certificates, Bible records, insurance papers, passports, and

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<sup>24</sup> See pp. 47-48.

<sup>25</sup> See pp. 62-63.



immigration records—frequently also school records or other documents—permits the acceptance of “any other documentary evidence satisfactory to the issuing officer.”<sup>26</sup> Such a phrase may, of course be interpreted to cover a wide variety of documents. In some offices either under authority of this general phrase or of definite authorization to accept any religious record showing the date and place of birth, confirmation certificates and Barmitzah papers are accepted. In other offices, however, such papers, and all other records made within a few years previous to the application, are refused. A vaccination certificate is occasionally accepted in some offices if the child was vaccinated when very young by a public—but not by a private—physician, and if the certificate gives the child’s age at the time of vaccination. Other forms of evidence sometimes accepted in the discretion of issuing officers or, in some cases, of a State supervising agency,<sup>27</sup> include contemporary letters announcing the birth, court records, and christening cups engraved with the child’s name and date of birth. If no preferred evidence is available and these documents appear to be genuine<sup>28</sup> their acceptance may be justified. The Federal regulations provided, however, that all evidence not specifically mentioned must not only be “satisfactory” but must have been in existence for a specified period. As in the case of passports, certificates of arrival, and insurance policies, such evidence is believed to be valuable only if it has been in existence long enough before the application to be in all probability free from the influence of the parents’ desire to make the child appear old enough to secure a certificate.

School records have often been mentioned in State laws as acceptable evidence. Sometimes the law permits the acceptance of the record of any school which the child has attended, sometimes only of the school which he first attended, and sometimes of a school census. In at least one State the record on the register of the school which the child first attended is acceptable only if the record was kept for at least two years while the child was in attendance.

As a rule school records constitute very unreliable evidence of age. The record of the school which the child first attended is, however, more valuable than the record of any other school. If the record of any school is acceptable the child of 13, for example, who wishes to go to work may transfer from a public to a private or parochial school or vice versa and, merely by stating his age as 14 at the new school, may secure a school record of age entitling him to an employment certificate. Even the record of the first school attended, however, may be inaccurate. Not only may the parent state that the

<sup>26</sup> See p. 29.

<sup>27</sup> See pp. 38, 39.

<sup>28</sup> See p. 60.

child is 6 when he is only 5 in order to be free from his care during school hours,<sup>29</sup> but some parents may even at that time look forward to the child's becoming of working age and plan to evade the law.

Even when no attempt has been made to falsify them, however, school records, especially in small towns and country districts, are as a rule too carelessly made and kept to be of much value in preventing children from going to work under age. Frequently such records give only the age of the child and not the date of his birth, so that other evidence must be secured to give the exact facts needed.<sup>30</sup> As for school-census records, their value depends wholly upon the way the census is taken, and rarely is a school census taken with sufficient care to furnish trustworthy evidence of age.<sup>31</sup> Especially in places where temporary enumerators are employed it is sometimes found that a child's age may be given as 12 one year and 14 the next. Only in places where parents were required to produce birth certificates when they first registered in school the children now of certificate age<sup>32</sup> are school records of any kind good evidence of age, and in such places, of course, the birth certificates themselves are available.

Because of the carelessness with which they are kept and the opportunities for fraud which they offer, school records were not made acceptable evidence of age under the regulations for the enforcement of the Federal law except that, where it was necessary to rely upon a physician's certificate because no satisfactory documentary evidence was available,<sup>33</sup> the record of age as given on the register of the school which the child first attended or in the school census was required if obtainable. In this case the school record, together with the parent's affidavit of age which was also required, was used not only as corroborative of the physician's certificate but to determine the probable exact date of birth which no physical examination can, of course, discover. The most advanced State laws also reject school records as evidence of age though they may permit their acceptance to corroborate a physician's certificate.

A parent's affidavit or other written statement of age is probably the weakest evidence which has ever been commonly accepted in proof of a child's age when applying for an employment certificate.<sup>34</sup> Only a child's or parent's mere oral statement of age or, perhaps, a parent's statement that he has some specified document at home, constitute weaker evidence; and the acceptance of such statements, common as it has been in the past, has never been definitely author-

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<sup>29</sup> See p. 57.

<sup>30</sup> See p. 53.

<sup>31</sup> See pp. 184, 185.

<sup>32</sup> See pp. 56-57.

<sup>33</sup> See pp. 67-70.

<sup>34</sup> See p. 23. See also pp. 56, 57, 66-67.

ized by law, though in some States their acceptance may have been justified, perhaps, by a provision that any evidence, not specifying documentary evidence, satisfactory to the issuing officer might be accepted.<sup>35</sup> Not only, however, have provisions permitting the acceptance of any documentary evidence satisfactory to the issuing officer been stretched to cover parents' affidavits of age, but in many States before the enactment of Federal child-labor legislation, and in some even yet, the parent's affidavit appears either as the last resort for evidence of age in case no other evidence can be procured or—and this is much worse—as acceptable regardless of any other evidence which may be available. As a result, in these States many certificates have been issued to children who were actually under the minimum age for employment and many parents have learned that perjury brings no punishment but a reward in the shape of their children's earnings. In one State where, in the course of the administration of the first Federal child labor law, the actual dates of birth were verified for 3,858 applicants whose ages had been sworn to by their parents, it was found that nearly one-sixth—15.6 per cent—of these children were actually younger than their parents' affidavits represented.

In connection with the subject of parents' affidavits of age it should be noted that where parents' affidavits are generally used better enforcement of the legal standards for the employment of children could probably be secured if no certificate whatever were issued. A certificate, even though issued to a child who is under age, usually protects the employer from prosecution. The parent, it is true, may be liable for perjury if proof can be obtained that he swore to a false affidavit. But were no certificates issued the employer could be held responsible for employing a child under age no matter what the parent stated or swore to, and as a result the employer would be directly interested in securing more adequate evidence that the child was actually entitled to work.

A parent's affidavit that preferred documents can not be obtained<sup>36</sup> is often, however, the best available evidence of that fact, and in most States where such an oath is required the facts attested by the parent also include the alleged date of birth, so that the affidavit is also an affidavit of age. In some States such an affidavit must accompany any evidence of age presented except a birth certificate. Under the regulations for the enforcement of the Federal law, however, though evidence was required in connection with all other documents that no better proof of age was available, a parent's affidavit was definitely required only in connection with a physical examination.

<sup>35</sup> See p. 29.

<sup>36</sup> See p. 73. See also pp. 70-71.



Whenever such affidavits are required the oath should be administered, free of charge, at the issuing office,<sup>37</sup> by some person who has legal authority to administer oaths. The parent's respect for the oath should not be undermined by having it administered, as it sometimes is, by an unauthorized office clerk.

### Physician's certificate of age.

In requiring a physician's certificate of age, instead of a parent's affidavit, as a last resort in case no satisfactory documentary evidence was available the Federal regulations merely followed the laws of the most progressive States—States, however, which as a rule had also in their child labor laws standards of physical fitness which were lacking in the Federal law. In practically all places some sort of provision for evidence of age in case no documentary proof is available seems essential, and a physician's certificate is certainly preferable to a parent's affidavit. Such provision is necessary, of course, in States which are outside the birth-registration area,<sup>38</sup> particularly those where the prevailing religious denominations keep poor records,<sup>39</sup> if they keep any—as in the South, especially in the case of colored children. But it is also necessary in States within the birth-registration area for native children whose births have failed to be recorded and for foreign-born children from regions where registration is poor or records are not available.<sup>40</sup> As a rule, however, the States in which most children are unable to present birth or baptismal records allow the acceptance of parents' affidavits, whereas the States in which fewest children are unable to bring birth or baptismal certificates require as the last resort a physician's certificate of age.

Even the physician's certificate, however, is comparatively weak evidence of age, for no method of determining exact chronological age from physical condition has yet been discovered; and no physician is able to fix the date of a child's birth within at least several months.<sup>41</sup> For this reason it should be resorted to only in case it is found impossible to secure more satisfactory evidence, and whatever corroborative evidence can possibly be secured should be demanded.<sup>42</sup> In many States the parent must apply for the examination and in his application must take oath that no other evidence is available; and usually, also, he must make affidavit as to the date of birth.<sup>43</sup> Often the parent is required to give in his application any other facts which might aid in determining the child's age. In one

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<sup>37</sup> See p. 47.

<sup>38</sup> See p. 55.

<sup>39</sup> See pp. 60-62.

<sup>40</sup> See p. 72.

<sup>41</sup> See p. 53.

<sup>42</sup> See pp. 65, 66, 73.

<sup>43</sup> See pp. 47-48, 66, 73.



State the child may be required to wait for 60 days after this application has been filed, to give the issuing officer time to search for additional evidence. This waiting period, if actually required, would also serve to increase the parents' interest in finding, if possible, some form of preferred evidence. But unfortunately in practice few children are required to wait. In another State, however, the law provides that the physical examination for evidence of age shall not be given until the application has been on file for 60 days. This requirement, it is believed, serves effectively to weed out the cases where the parent could possibly produce any form of evidence which would enable the child to go to work at once.<sup>44</sup> In this State the children given a physical examination for evidence of age are, therefore, in practically all cases either children who are actually unable to bring satisfactory documentary evidence or children who are endeavoring to obtain certificates before they are of the required age.<sup>45</sup>

The degree of reliability of a physical examination as evidence of age depends upon who gives the examination,<sup>46</sup> upon how it is given, and upon the standards used to determine age. The laws of a few States permit the acceptance of a certificate of age from any physician, but even in these States provision is usually made in the larger cities for the examination to be given free of charge by a school medical officer or a physician attached to the department of health, or in some cases by a private physician designated to give examinations for physical fitness to applicants for employment certificates, and the children as a rule go to this physician to save expense. The Federal regulations, however, and many State laws require that a physician's certificate of age shall be signed by a public-health or public-school physician; there is much greater probability that the examination will be carefully given and that definite standards will be applied if the physicians authorized to give such certificates are thus limited to a few who are responsible to some public authority for their actions. In a number of States children who are obliged to resort to a physician's certificate of age must be examined by two physicians, one of whom must usually be a public-health or a public-school physician, and in one State where such children must be examined by two public-health physicians, it is provided that in case of disagreement they must also be examined by a third.

The character of the examination given depends, in part at least, upon the contents of the certificate which the physician is required to sign. In some States the physician must certify merely what, in his opinion, is the physical age of the child or that the child is, in

<sup>44</sup> See pp. 72-73. For the use of temporary certificates in such cases see pp. 148-149.

<sup>45</sup> See pp. 60, 71, 72-73.

<sup>46</sup> See pp. 73-78.

his opinion, above the legal age for employment; in others he must certify also that he has examined the child; and in certain States he must give the child's height and weight or other facts. The Federal regulations required that the examining physician should certify what was, in his opinion, the physical age of the child and should give the child's height and weight "and other facts concerning its physical development" upon which his opinion was based. In certain States the law requires, in connection with the physical standards which any child must meet to obtain a certificate, that the child must have reached "the normal development of a child of his age."<sup>47</sup> Since the examination for evidence of age is usually given at the same time as the physical examination and by the same physician, this requirement that the child shall be normally developed for his age, though not directly connected with the physician's certificate of age, can be used to furnish a rough standard for the issuance of that certificate.

The standards in actual use among physicians for determining the ages of children not only differ widely, even among physicians working under the same law, but as a rule are inadequate for the purpose. Many physicians make no actual examination whatever but merely look at the child, and few of them make any examination other than that required for the certificate of physical fitness.<sup>48</sup> If the child appears to the physician to be 14 years of age or over, or if he appears to be over 14 and is found to be in sound health, the physician signs the certificate of age. The law of one State requires that the physical examination for evidence of age shall be made without the removal of clothing. As a result of lack of standards and of carelessness in issuing physician's certificates of age children who have been given such certificates are sometimes proved by other evidence to be actually under age. In one case, for example, a child who had been decided by a physician to be over 14 years of age was later shown by means of a baptismal certificate to be only 12. As a result of this lack among physicians of any definite method of determining age many issuing officers have little faith in the physician's certificate of age.

Although no physician can determine, with any great degree of exactness, a child's chronological age, some physicians who examine children applying for employment certificates have adopted certain more or less definite standards by which they determine what is a child's physiological age or whether he has reached the normal development of a child of the age claimed. The chief points usually noted are the height and weight, the eruption of the teeth, and the stage of sexual maturity. Some years ago a Boston physician sug-

<sup>47</sup> See pp. 73-74, 83-84.

<sup>48</sup> See pp. 79-84 et seq.

gested taking a radiograph of the bones of the wrist as a method of determining the age of a child who wished to go to work, but this method, probably because of its expense, does not appear to have been anywhere applied for this purpose. Nevertheless, in certain cities considerable progress has been made toward the standardization of physical examinations for physiological, though not for chronological, age. In some offices, indeed, good results have been secured by referring to the examining physician; not only children who are unable to produce any satisfactory documentary evidence of age, but also children the genuineness of whose evidence is doubted and yet can not easily be challenged.

In spite of recent progress in certain cities, however, in few issuing offices is the physician's certificate of age much more than a guess. Probably no other evidence of fulfillment of a requirement for an employment certificate, except perhaps the physical examination to determine fitness to work, is so much in need of standardization and supervision by some State agency<sup>49</sup> to insure that all the children of a State shall receive equal protection.

### Order of preference.

The classification of evidence of age and the requirement that the more trustworthy forms of proof shall be presented in preference to the less trustworthy is found in many State laws. In some offices, however, no evidence that preferred documents can not be obtained is demanded before the less trustworthy forms of evidence are accepted. And in some laws no order of preference is specified.

The evidence required in practice that a child can not secure any of the documents mentioned as preferred proofs of age differs according to the kind of document and the place where the child was born. The usual evidence that a birth certificate can not be secured for a child born in the place where he is applying for an employment certificate is a note from the registrar of vital statistics to that effect.<sup>50</sup> Many issuing offices provide a form for the registrar's report on the results of this search of the records for the birth date of a child. In a few cities similar evidence is required for children born elsewhere in the United States, and in certain cities even for foreign-born children of some nationalities. In some cases, as will be more fully described later,<sup>51</sup> foreign-born children, and occasionally children from distant States, have been allowed to work on temporary certificates while awaiting reply from the registrars in the places where they were born. In many offices, however, even for children born in the city, the parent's statement or affidavit that the birth was not recorded is accepted without any proof that inquiry has

<sup>49</sup> See also pp. 94-97.

<sup>50</sup> See also p. 59.

<sup>51</sup> See pp. 126, 148-150.



been made at the registrar's office.<sup>52</sup> And even more commonly birth certificates are ignored by the issuing officer as evidence of age for children born outside the city—generally, indeed, for those born abroad—unless they are presented or unless a child or parent states that he has such a certificate at home. In many issuing offices, moreover, a child is not asked to apply to the registrar for a birth certificate if he brings a baptismal certificate, and in some offices not unless he brings no documentary evidence of age whatever.

When it is remembered that, if a child is actually under age, he naturally will not bring a birth certificate even when it is readily available but will attempt to use some evidence of age which can be or has been falsified, it is evident that failure to require all children to apply to the registrar at the place of birth may often lead to success in efforts to evade the law.<sup>53</sup> Native-born children in all cases and foreign-born children in most cases should be required to apply for birth certificates, and the issuance of regular employment certificates at least should be postponed until replies have been received.

To avoid unnecessary delay in waiting for a reply to such a letter some issuing officers instruct the parent to have the letter registered and to keep the registry receipt to present as proof that he actually wrote in case he does not receive a reply. In the few offices where this is done it is usually considered that a birth certificate is not available if a reply has not been received within a reasonable time, the exact period allowed depending on the distance and the frequency of means of communication.

The registry receipt, however, shows only that a letter has been sent and there is nothing to prevent the parent from concealing a reply showing the child to be under age for an employment certificate. In some suspicious cases, therefore, if the parent claims to have received no reply, the issuing officer himself writes. But this involves still further delay, and the failure to secure the desired information may be due solely to the carelessness or indifference of the registrar of births in the place where the child was born. In at least one city, it was found, the issuing officer himself applied in the first instance for the birth certificate of a child who was born anywhere in the State. In the case of a child who was born abroad, once a fee is usually demanded for searching the records, and since the parent paid this fee to the issuing officer he might think it was ever sent or was a fee for the employment certificate itself, it seems best in most cases that the parent should write and send the letter to the registrar. In at least one office the parent is given for this purpose a printed form made out for the particular country where

<sup>52</sup> See pp. 66-67.

<sup>53</sup> See pp. 67-68.



the child was born and is instructed as to the method of filling in the blank spaces, as to the amount of the fee to be enclosed, and as to the exact title and address of the official to whom the letter should be sent. If such an application further requested that the reply be sent to the applicant, not at his home address but in care of the issuing officer, that officer would have practically the same assurance as if he had written himself that receipt of a reply was not concealed or any change made in the document received. In any event, when parents are not only instructed how and to whom to write and what fee to send, but are furnished with form letters and are required to send these letters, instead of writing to relatives or friends asking them to secure the birth certificates, much time is saved and many mistakes are avoided.

Issuing officers, therefore, should not only be familiar with the titles of the officials who register births in the various States and in the principal foreign countries and with the fees required for birth certificates, but should be provided with forms for letters applying for such certificates to be sent either by themselves or by the parents of the applicants for employment certificates. For foreign countries such applications should be made out in the language of the country to which they are intended to be sent. Furthermore, local issuing officers should be provided with information as to the approximate degree of completeness of birth registration in the various States and foreign countries, in order that in cases in which no reply is received or the registrar reports no record of birth, they may be able to form some judgment as to the probability of the child's having given a wrong place of birth in order to be able later to present fraudulent evidence or in order not to have to await a reply from some distant country. Finally, they should be provided with information as to the possible State or national records of births so that, even when local records have been destroyed, birth certificates can be secured in the maximum number of cases. A handbook of birth registration giving all these facts as relating to the period when children of working age or approaching that age were born should be prepared by the State supervising agency<sup>54</sup> and placed in the hands of every issuing officer.

Evidence that a baptismal record can not be secured should be required, as often as possible, both for native and for foreign-born children. Not infrequently children and parents fail to produce such records when they are available because they would show the children to be under age. If the child is connected with any church, therefore, he should be required to bring from some priest or pastor of that church a statement as to whether or not a baptismal certifi-

<sup>54</sup> See pp. 40-42.

cate is available and, if not, the reason. The practice found in one issuing office of writing directly from the office to church officials for baptismal certificates, as well as to registrars for birth certificates,<sup>55</sup> might well be imitated in other offices. Furthermore, the practice of requiring a delay of 10 days or more before accepting other evidence than a birth or baptismal certificate tends to cause these documents to be produced whenever possible.<sup>56</sup>

As for other kinds of documentary evidence of age, it seems impossible to require the parent to produce any better evidence than none can be secured than his own affidavit.<sup>57</sup> Yet whatever can be done by the issuing officer to ascertain the existence of other evidence should be done, for, in general, the lower the rank of the evidence of age presented the more likely is the child to be under legal age for employment. Before a physical examination is resorted to for evidence of age, therefore, the issuing officer should make inquiries, by telephone or correspondence, of all persons who might possibly have accurate and unbiased information as to the date of the child's birth.<sup>58</sup> He can usually secure the names of such persons by questioning the child or the parent. The greater the pressure which it is found necessary to bring to bear on the parent, through delay in granting the certificate or by other means, to secure documentary evidence of age, the greater the care that should be exercised to make sure that such evidence is not being suppressed because it proves the child too young to work. In any event, the issuing officer should have power both to revoke an employment certificate<sup>59</sup> and to prosecute the parents if it should be discovered later that the evidence on which the certificate was issued was fraudulent.

### PHYSICAL REQUIREMENTS.

Some 20 States still have no physical standards for the employment of children. More than half the States, however, have set up some form of physical requirement for an employment certificate, usually that a child, in order to obtain such a certificate, must present a statement, signed by a physician, relating to his physical condition. Some laws require these statements from all children<sup>60</sup> and some provide that the issuing officer shall determine what children shall be asked to present them.<sup>61</sup> Some States have also provided that any child found at work, or any child who appears physically unfit for the

<sup>55</sup> See pp. 71-72.

<sup>56</sup> See pp. 67-68.

<sup>57</sup> See pp. 47-48, 66.

<sup>58</sup> See pp. 67-68.

<sup>59</sup> See pp. 30-31, and also pp. 39-40.

<sup>60</sup> See pp. 80-81.

<sup>61</sup> See pp. 78-79.

work he is doing, may be required to secure from a physician a certificate of physical fitness in order to continue in employment.<sup>62</sup>

The general purpose of all such legal provisions is, of course to prevent injury to the health or growth of young children through too early labor. It is fair, therefore, to discuss their administration with a view to determining, not only the best methods of enforcing the particular provision, but also to what extent various requirements are calculated to accomplish the general purpose, the protection of the health of children.

### Examining physicians.

In some States the law provides that a physician's certificate of physical fitness<sup>63</sup> may be signed either by a public or by a private physician, though many laws, especially those under which all children must be given examinations, require that it must be signed by a public physician—either a school medical inspector or a public health officer—or by some physician appointed for the purpose. Because of the possibility of standardizing and supervising their examinations and the fact that physical examinations should be given without cost to applicants for employment certificates,<sup>64</sup> public officials—usually of the school, health, or labor departments—should give all examinations to determine the physical fitness of children for employment.

A provision allowing certificates of physical fitness to be signed by any private physician makes it impossible, of course, either to insure that any actual examination is given or to standardize the tests of physical fitness, because it is not possible to supervise adequately the work of private physicians.<sup>65</sup> But in practice this is a minor difficulty, because few certificates signed by private physicians are presented. In cities where provision has been made for free examinations by some public or appointed physician practically all children apply to this physician for their certificates of physical fitness in order to save the fee which a private physician would charge. And in cities where no provision has been made for free examinations the requirement of a physician's certificate of physical fitness is often ignored.<sup>66</sup>

Most of the physician's certificates of physical fitness actually presented, therefore, are signed by public-health or public-school physicians or by physicians specially appointed to give physical examinations to applicants for employment certificates. This does not mean, however, that all applicants in a city are examined

<sup>62</sup> See pp. 93, 211.

<sup>63</sup> See pp. 68, 77-78.

<sup>64</sup> See p. 82. See also pp. 22-23.

<sup>65</sup> See pp. 93-97.

<sup>66</sup> See pp. 75-76, 81, 94.



by the same physician. In some places where physicians are appointed and the appointing agencies, usually school authorities, pay a fee for each examination, they have appointed all the physicians in the community, in order not to show favoritism to any. In many places the examinations may be given by any one of a number of school or public-health physicians.<sup>67</sup> In some cities 18 or 20 different school physicians give such examinations. Sometimes the child is sent to a physician in the district where he lives or where he has gone to school, and sometimes he may go to any one of the physicians he may choose. Not infrequently examinations are given by physicians of two different public agencies, usually the health department and the department of school medical inspection, without any provision for coordinating their work.<sup>68</sup>

The examination of applicants for employment certificates by school physicians has certain advantages, but also certain disadvantages. A special advantage is that these physicians often have already examined the children in school and in any event are able to make use of the records of their school examinations. In practice these records are rarely consulted, even by school physicians, before certifying children for employment certificates. Nevertheless, they constitute valuable sources of information as to the past history of the children and should be consulted, whenever available, by whatever physicians examine them for fitness to work.

The importance of these school examinations in determining a child's fitness to work is often, however, exaggerated. Sometimes school physicians even urge their previous knowledge of the child's physical condition as justification for superficial examinations for employment certificates; but a school examination given even a month before a child's application for a certificate is no guaranty of his physical condition at the time of application<sup>69</sup> and bears, of course, no relation whatever to the occupation in which he may be employed.<sup>70</sup> To permit the acceptance of such a record in lieu of a physical examination, therefore, as is the custom in many places where the school inspectors also give physician's certificates of fitness for work, may defeat in many cases the purposes of the law.

Furthermore, in many cities which have medical inspection of school children such inspection is confined to the lower grades, so that no records are available for a number of years immediately previous to the application for an employment certificate. In some cities medical inspection is confined to the public schools, so that no

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<sup>67</sup> See pp. 94-95.

<sup>68</sup> See p. 82.

<sup>69</sup> See pp. 91-94.

<sup>70</sup> See pp. 83-84, 88-93.



school health records are available for parochial school children Agents of the Children's Bureau found that because of this fact, in at least one city where school medical records were accepted for public-school children in lieu of physical examinations, applicants from parochial schools were not required to meet any physical requirements whatever. Such records, therefore, while valuable supplementary sources of information as to the physical condition of many children, can not be depended upon to furnish a basis for determining physical fitness for employment.

Even if school medical records of recent date were available in all cases, however, they would not serve the purpose, because the character of examination required for the protection of working children is not the same as that required for the protection of school children. Physical fitness to stay in school under the supervision of a school medical inspector is not sufficient guaranty of physical fitness to go to work. As will be seen later,<sup>71</sup> an examination to determine the latter offers special opportunities to bring about the correction of defects, and at the same time requires a knowledge of the occupations in which children are employed and their effect, which bears no relation to any other work required of a school medical inspector.

A distinct disadvantage in having examinations of applicants for employment certificates given by school physicians is that, in order to secure the advantage of previous personal knowledge of the children, each child must be sent to the particular inspector who has supervision over his school, and, therefore, the work of giving examinations is distributed among a large number of physicians. If a child is sent to any medical inspector, as is frequently done, the advantage of previous knowledge is lost and only the disadvantage of having examinations made by so many physicians remains. In the larger cities, where there are many school medical inspectors this usually results in the use of as many methods and standards in the examination of applicants for employment certificates as there are examining officers.<sup>72</sup> The head of the school medical department, of course, standardize these examinations; but in practice it has been found that he rarely does so, because he fails to realize that an examination for physical fitness to work is different, both in purpose and in opportunities, from an ordinary school examination.

In a number of cities, however, the examination of applicants for employment certificates is assigned to a very small number of physicians—sometimes only one—who devote all or the greater part of their time as public officials to this work. Usually these physicians are especially appointed for the purpose, but they may be school o

<sup>71</sup> See pp. 85-91.

<sup>72</sup> See pp. 82-83, 94-95.

public-health physicians designated to do all of this particular kind of work. When the work is thus concentrated not only are the examinations much more uniform in character, but the physicians, at least in the larger cities, have an opportunity to familiarize themselves with the particular problems involved in this type of examination. In some cities children who fail to pass the physician's examination, or about whose condition the examining physician is in doubt, are reexamined by a superior medical officer with whom the final decision rests.

In cities where one or two physicians examine all applicants for employment certificates, the examinations are often given during certain definite hours at the certificate office if the number of applicants is sufficient to justify it.<sup>73</sup> In the larger cities the physician is usually assisted by a nurse. In many places, however, the work of the examiner is handicapped by lack of proper office facilities and assistants. In one issuing office, for example, it was found that physical examinations had to be given behind a small screen in the corner of a large office where several persons were at work. Thorough examinations are possible only where the physician has at least one room assigned for his work; two rooms are preferable.

The assistance of a nurse<sup>74</sup> is not only extremely desirable wherever the number of cases warrants it, but is indispensable if girls<sup>75</sup> are to be given any adequate examination by a man physician without the presence of their mothers. Wherever examinations of girls must be made by a man without the aid of a nurse the mothers of the girls should be required to be present throughout the entire examination. In practice the examinations given in most places have been of such a cursory character that this need has not usually been felt. In some cities, however, a nurse is always present when a girl is examined, and in others a woman physician examines all girls. In certain cities the mother is required to come with a girl who is to have a physical examination, and in others one parent must be present when any child is given such an examination. In the latter case the examination is made at the issuing office when the parent makes his required appearance in connection with the child's application for an employment certificate.<sup>76</sup>

The work of making adequate physical examinations for employment certificates is technical and difficult. It should, therefore, be concentrated so far as possible in the hands of persons who are not only thoroughly qualified but are thoroughly familiar with the particular type of examination needed and with the character of the oc-

<sup>73</sup> See p. 137.

<sup>74</sup> See p. 89.

<sup>75</sup> See p. 83.

<sup>76</sup> See pp. 47-49.

occupations for which they may be required to certify the children's physical fitness or unfitness.<sup>77</sup> For this reason the fewer the examining physicians and the larger the proportion of their time devoted to this particular type of work the better.<sup>78</sup>

### Discretion of issuing officers.

The administrative discretion granted the issuing officer in the matter of the physical condition of applicants for employment certificates takes various forms.<sup>79</sup> In some States he may require a physician's certificate only if he has reason to believe that the child is in bad physical condition. In other States he may require it in any case, without condition. Certain laws require that the issuing officer, in signing an employment certificate, must himself certify that the child appears to be in good health or does not appear physically unfit for employment. Usually, when such a statement must be signed by an issuing officer, the law specifies that he may, when in doubt, require the child to be examined by a physician; and even when the law does not so specify, issuing officers frequently require such an examination on the ground that the law gives them this power by implication.

Under provisions which leave to the discretion of the issuing officer the question as to whether or not each particular child shall be obliged to produce a physician's certificate of fitness, issuing officers could theoretically make physical examinations prerequisite to employment certificates for all children. But they are often deterred from doing this by the lack of any provision for having all children examined free by public physicians, and the consequent hardship to the children of paying the fees of private physicians for such examinations.<sup>80</sup> Even in States where the issuing officer is empowered by law to send the children whom he may wish to have examined to public-school or public-health physicians these officers are busy with other duties, and unless definite arrangements are made to give them time for this work it is possible at best for them to examine only a small number of applicants for employment certificates. The issuing officer usually sends to them, therefore, only children who appear to be, or who he has reason to believe are, in poor physical condition. In States where the law does not empower the issuing officer to send children to some public physician many issuing officers pay little, if any, attention to this requirement.

In most places, therefore, the provision with reference to physical fitness usually results at best in the giving of physical examinations to only a few children selected by the lay issuing officer. Even phy-

<sup>77</sup> See pp. 84, 88-91.

<sup>78</sup> See pp. 94-97.

<sup>79</sup> See p. 73. See also pp. 29-30.

<sup>80</sup> See pp. 74-75.



sicians, however, rarely claim to be able to tell by merely looking at a child what is his physical condition, and many of the external signs of ill health which the practiced eye of a physician might note are unknown to the layman. Realizing this, the issuing officers, it was found, who tried most conscientiously to exercise their discretion in selecting the applicants who were surely in need of physical examinations, relied largely, except in extreme cases, on the child's answers to questions as to whether he had ever had a serious illness or knew of any physical disability then existing. One conscientious issuing officer, in an effort to detect heart trouble, asked all applicants whether they were able to run upstairs. And another referred to the examining physician not only all children who had pronounced physical defects, appeared weak or anemic, or stated that they had had serious illnesses recently, but also all who were seriously underweight.<sup>81</sup> Even these special efforts to detect children who may be physically injured by labor are not likely to be wholly successful, for the children themselves sometimes do not know of defects which a thorough physical examination would disclose and, if they do know of them, may not tell the issuing officer for fear he will not give them the coveted certificates.

Furthermore, in most States where the requirement of a physical examination is left to the discretion of issuing officers, lack of State supervision over their work<sup>82</sup> leads to wide variations in the actual protection given children. Even if individual issuing officers here and there in a State require physical examinations of all applicants for certificates, children in other places in the same State go to work without such examinations if they appear to their particular issuing officers to be in good health. The methods of selecting children who should have physical examinations, moreover, are certain to differ widely according to the individual ideas of the various issuing officers as to the administration of this particular provision of the law. Both because of this fact and because of the wholly unscientific character of the only tests of health which issuing officers are able to apply, many children are sure to be given certificates who are not physically fit for work.

That a considerable number of children who are in fact physically unfit to work are doubtless granted employment certificates every year in States where the requirement of a physical examination is left to the discretion of issuing officers appears to be conclusively shown in the statistics of refusals on the ground of physical defects in places where only children who appear in bad condition are examined as compared with places where all children are examined. Comparing, for example, a State where as close super-

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<sup>81</sup> See p. 85.

<sup>82</sup> See pp. 94-97.



vision as any yet developed was exercised over issuing officers to secure uniformity in methods and where all children whom these officers believed to be physically unfit for work were sent to physicians for examinations, with the sections of another State where similar supervision was exercised but where all children were required to have physical examinations, it was found that in one year in the former State the children refused employment certificate because of their physical condition equalled only about 0.4 per cent while in the latter State they equalled about 2.6 per cent of the children granted certificates. In connection with these figures it should be remembered, moreover, that wherever all children are obliged to have an examination the results of this requirement cannot be measured entirely by the number of refusals, for undoubtedly some children do not apply who fear, or whose parents fear, that they can not pass this test.

In short, though legal provisions requiring that children who appear to the issuing officer to be in bad physical condition shall either be refused certificates or referred to a physician for examination are undoubtedly intended by the legislature to prevent children who are physically unfit from going to work, they do not, in fact, accomplish that purpose. In one city where children were required to present certificates of physical fitness only in case they were considered by the issuing officer to be in poor condition or had been excused from attending school because of physical defects,<sup>83</sup> in one year only 3 per cent of the applicants were sent to a physician to be examined. It is safe to say that in all States having such laws many children who are physically unfit for work, or at least for the occupations which they enter—some of them with serious physical defects, such as heart disease, which are not obvious to the casual interviewer—are given official permission to work, sometimes in very injurious occupations. Only in States where some central agency exercises effective powers of supervision over the work of all issuing officers, those who fail to realize as well as those who fully appreciate the importance of physical examinations as a prerequisite to employment certificates—and in these only if this central agency prohibits the issuance of any certificate without a physical examination—is there any chance of giving all the children of the State equal health protection through a legal provision which leaves physical examinations to the discretion of issuing officers.

### Physician's certificates for all children.

Even the requirement that all applicants for employment certificates shall present physician's certificates of physical fitness does not insure that they will all be given some sort of physical examination.

<sup>83</sup> See also p. 75.

Much less does it insure that they will all be given the same tests and required to meet the same standards. Furthermore, this requirement alone is not a complete protection to the health of working children, because it fails to provide for changes which may take place after they have gone to work.<sup>84</sup>

In most States which provide merely for a physician's signature to a statement as to the child's physical fitness<sup>85</sup> many children are given employment certificates without any actual physical examination. If no provision is made for the examination of children at public expense, the unsupervised issuing officer often ignores the requirement.<sup>86</sup> In some cities, even where school medical inspectors are maintained, and in many others where public-health physicians are available, their time is fully occupied with other duties and no provision is made for them to examine applicants for employment certificates. Furthermore, in many places where these examinations are supposed to be given by appointed physicians no physicians have been appointed, sometimes because the law has made no provision for their appointment. In one city in a State where physicians' certificates of fitness were required of all applicants for employment certificates the school physicians, who worked under the health department on small salaries, for many months after the law was enacted refused to give these examinations, taking the stand that the school authorities, who issued the certificates, should make special provision for them. And in another State in which a special study was made of the administration of the child labor laws it was found that, although an applicant for an employment certificate was required by law to present either a physician's certificate of physical fitness or a school medical inspector's record showing him to have been previously sound in health, in a number of important industrial cities no such documents were required of any children and in a number of others they were required only in certain cases. In one city applicants for certificates were sent to the school physician if he happened to be in his office; but if he was not, they were granted employment certificates without a physician's examination unless they were obviously in poor health. The excuse for this direct violation of law by issuing officers was that the law required such examinations to be given by a school or public-health physician or by a regularly licensed physician appointed for the purpose, and that these physicians either had no time for the work or had never been appointed.

Under laws which require only a general statement from the physician, moreover, it is not always specified definitely that he shall

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<sup>84</sup> See pp. 91, 93-94.

<sup>85</sup> See pp. 95-96.

<sup>86</sup> See pp. 32-34.

make any actual examination, and in many States the points to be covered in such an examination are neither specified in the law nor determined by any State agency.<sup>87</sup> In these States the methods of determining a child's physical fitness for work are wholly within the discretion of the examining physician. Presumably it is assumed that he will take whatever measures may be necessary to assure himself of the accuracy of the statement to which he certifies. But in many places where the examining physician is a public official he is not allowed sufficient time, and in most places where he is a private physician he is either not allowed by the certificate office or is unable to collect from the child's parents a sufficient fee<sup>88</sup> to make a thorough physical examination. As a result, his test of physical fitness not only may, but sometimes does, consist of a mere interview, such as that by which an issuing officer determines whether a child should be sent to a physician.<sup>89</sup>

Obviously, where it is possible for a physician to interpret the law so loosely as to sign a certificate of fitness without any actual physical examination, whatever examinations are made will vary widely and whatever methods may be adopted are likely to be inadequate. Not only children in different places in the same State, but often children in the same city, may be required to meet as many different standards as there are examining physicians, for in many cities no attempt has been made to standardize the procedure or to insure uniformity in the decisions of the various physicians who make these examinations. Often where several physicians give examinations in a single city, even when they are all responsible to one superior officer—which is not always the case—each uses his own judgment both as to the character of examination which justifies him in signing the certificate and as to the character and degree of defect which justifies him in refusing his signature.<sup>90</sup> For example, in one city where a number of physicians examined children it was found that some of them merely questioned the child as to his health and family history, while others made a fairly thorough examination. Furthermore, the number of examining physicians, not only in a State but sometimes, as already noted,<sup>91</sup> even in a single city, is large, and the opportunity for variation is correspondingly great.

In a few cities thorough examinations are given, but in most States, even in the larger cities, the examinations for physical fitness to work are hurried and superficial, and it is doubtful whether any but the most obvious defects are discovered. Even the most thorough test usually given rarely takes over five minutes for ordi-

<sup>87</sup> See pp. 95-97.

<sup>88</sup> See p. 74. See also p. 96.

<sup>89</sup> See pp. 78-80.

<sup>90</sup> See pp. 75-76.

<sup>91</sup> See pp. 75-76.



inary cases, though if some physical defect is discovered which the physician thinks may unfit the child for work more time may be given. In at least one issuing office where the physician examined large numbers of children it was found that he was in the habit of examining them in groups of about half a dozen, separating the boys and girls into different groups. In many places physicians stated that they simply "looked the child over" and "sized him up," making no actual tests unless they saw reason to believe that the child had some defect and then often testing only for the specific trouble suspected.<sup>92</sup>

The tests applied depend, wherever examiners are not furnished with blank forms and required to fill them out in detail,<sup>93</sup> upon the judgment of the individual physician. Many physicians do not require the removal of any clothing, in some cases making tests of the heart and lungs through clothing. Others require that the chest be exposed, and still others that the child strip at least to the waist. Some use a stethoscope and others test the heart and lungs merely by ear. Very few physicians, even in States where they must certify that a child has attained normal development for his age,<sup>94</sup> make a complete examination of the abdominal organs, though some make such an examination of boys only,<sup>95</sup> and some question children or their parents as to their stage of maturity. Certain physicians test the ears with an acoumeter or a watch; others merely observe whether or not a child appears to be deaf. Snellen's test is sometimes used and sometimes the eyes are not examined unless they appear diseased. Some physicians place considerable reliance upon a child's pulse, while others say that children are often frightened when they come in for their physical examination and that rapid pulse beats are therefore no indication of disease. Frequently examining physicians question children as to their physical history<sup>96</sup> and that of their parents. In one city it was found that the examination consisted merely of questions and of feeling the pulse. The statement of the child's height and weight as taken usually includes a certain amount of clothing.

### Character of examination.

The character of examination given applicants for employment certificates should be designed to establish the facts to which the physician is required to certify. The two principal types of statements required are those which certify that the child is "physically

<sup>92</sup> In one city, where the issuing officer sent to the physician only children whom he believed to be in poor physical condition, the physician directed his examination mainly toward discovering the specific trouble suspected by the issuing officer.

<sup>93</sup> See pp. 95-96.

<sup>94</sup> See pp. 67-70, 84.

<sup>95</sup> See p. 77.

<sup>96</sup> See p. 79.

able" or in "sufficiently sound health" to perform the work in which he intends to engage,<sup>97</sup> that he is "in sound health," or is "physically able" or in "sufficiently sound health" to perform any work in which he can legally engage.<sup>98</sup> Frequently he must also have attained "normal development of a child of his age."

The question as to what constitutes normal development is, of course, similar to that already discussed<sup>99</sup> as to what constitutes evidence sufficient to justify a physician in signing a physician's certificate of age. If physiological age can be determined by proper standards a physician's certificate that a child has attained normal development for his age is an excellent supplementary measure of the child's fitness to work. A certificate of normal development, thus determined, could be used to keep from industry undernourished, as well as undeveloped, children.

Standards of normal development, of sound health, and—to a certain extent—of sufficiently sound health for certain occupations have been tentatively formulated by the committee of physicians appointed by the Children's Bureau for that purpose.<sup>1</sup> It is not necessary, therefore, to discuss here the question as to what tests should be given or what standards should be applied to children before they are issued employment certificates. The brief description already given<sup>2</sup> of the character of examinations actually found during the course of the bureau's studies will suffice to show the need for greater attention to this matter.

### Action as to defects.

The action taken in regard to defects discovered differs according to the type of law and the judgment of the physician. Physicians differ as widely in their standards as to what constitutes sound health, normal development, or physical fitness for employment as they do in their ideas as to what kind of examination is necessary in order to determine these points. As a result, in practically all States which require a physical examination of all children, as well as in those which require such an examination only of those who appear to be in poor health,<sup>3</sup> children in one community are allowed to go to work with physical defects which in another would be considered serious enough to warrant refusal of a certificate. Even within

<sup>97</sup> See pp. 49, 50-52, 88-91, 91-92.

<sup>98</sup> See pp. 85, 89-90.

<sup>99</sup> See pp. 69-70. See also p. 85.

<sup>1</sup> Physical Standards for Working Children: Preliminary report of the committee appointed by the Children's Bureau of the U. S. Department of Labor to formulate standards of normal development and sound health for the use of physicians in examining children entering employment and children at work, U. S. Children's Bureau Publication No. 79. Second edition. Washington, 1921.

<sup>2</sup> See pp. 81-83.

<sup>3</sup> See pp. 78-80.

single city a child who would be refused a certificate by one physician may be given it by another.<sup>4</sup>

In general four kinds of action may be taken. First, the physician may refuse unconditionally to sign a certificate of physical fitness for a child who has serious physical defects, such as heart disease, tuberculosis, or epilepsy. Second, he may refuse to sign until certain minor defects have been corrected. Third, he may authorize the employment for a limited period only of a child who is under treatment for some such minor defect. Fourth, the physician may refuse to sign for the particular occupation for which the child has brought a promise of employment<sup>5</sup> but may sign later if the child secures a position for lighter or more healthful work. In some places, moreover, when the physician finds defects which he believes should be corrected or should influence the child's occupation, he merely reports such defects, usually with his recommendation, to the issuing officer, and the latter is responsible for whatever action is taken.<sup>6</sup>

A permanent refusal means that the child can not legally go to work until he is past certificate age, after which in practically all States he is at the present time free, regardless of his physical condition, to enter any occupation not specifically prohibited as dangerous or injurious to all minors under 18 or 21 years of age.<sup>7</sup> Under laws which require the physician to certify that a child is in "sound health" or "sufficiently sound health," children who are found to have tuberculosis or serious heart disease are usually refused certificates, and some physicians refuse certificates for various other defects, such as a bad case of rupture, kidney disease, trachoma, or a serious physical deformity. Under laws which require the physician to certify that a child has attained normal development for his age<sup>8</sup> various standards as to what constitutes normal development may cause refusals, but in a few cities the examining physicians have adopted definite standards of height and weight.<sup>9</sup>

If a child who has been refused a certificate for any of these reasons returns later with the defect corrected he is, of course, granted a certificate. The only difference, indeed, between the grounds for refusals which are considered permanent and those for refusals which are considered temporary lies in the degree of probability that the defect can be corrected before the child is past certificate age. Certain physical deformities, for example, obviously can not be overcome and the refusal of a certificate for such a cause is therefore perma-

<sup>4</sup> See p. 82.

<sup>5</sup> See pp. 50, 51.

<sup>6</sup> See p. 29.

<sup>7</sup> See p. 11.

<sup>8</sup> See pp. 69, 83-84.

<sup>9</sup> See pp. 79, 88.



ment, while many orthopedic troubles are capable of correction within a short time under proper treatment, and as soon as such a defect is corrected the certificate may be granted. Children who have been refused because of failure to attain the standard of height and weight especially weight, often return later and meet the test.

Temporary refusals, therefore, are far more common than permanent refusals. In most cases such a temporary refusal means merely the withholding of a certificate until certain easily remediable defects, such as defective vision, decayed teeth, enlarged tonsils, or adenoids, are corrected, or until the child has been vaccinated. Physicians differ widely in the use they make of this power to secure the correction of defects before a child goes to work. Some physicians pay little or no attention to defective vision or decayed teeth; others advise treatment in such a case but sign the certificate of physical fitness; while others report the defect to the issuing officer and let him require treatment or issue either a temporary or a permanent certificate as he deems best.<sup>10</sup> An increasing number of physicians, however, require the correction of such a defect before they sign a certificate of physical fitness. In that event, of course, if the child fails to have the defect corrected the refusal becomes permanent.

The refusal of a certificate is not the only method, however, of bringing about the correction of a defect. In several States the law expressly permits the physician to authorize the granting of an employment certificate for a limited period while a child is undergoing treatment, requiring that at the end of the period the child must return for reexamination. And in some cities in other States issuing officers have granted such certificates. These temporary certificates are usually good for only a short period, as a rule not longer than three months, and are given only to children whose defects the physician believes will not be aggravated by their employment. At the end of the period, if the defect has not been corrected and if the child can not prove that he has made conscientious efforts to secure correction, no new certificate is issued. The method of issuing such certificates is discussed later.<sup>11</sup> Where they are in use it is usually claimed that they make treatment more certain by enabling the child to earn at least part of its cost.

The refusal of employment certificates or the granting of only temporary certificates until defects have been corrected is a particularly effective method of securing their correction. In most States, if treatment is recommended by the school physician, his recommendations may be neglected by the child and his parents without in-

<sup>10</sup> See p. 29.

<sup>11</sup> See pp. 148-150.

urring any penalty as long as a child remains in school. But the refusal of an employment certificate is itself a penalty—often a severe one—for failure to have defects corrected; and as a result, in cities where certificates are refused on account of physical defects or where only temporary certificates are issued pending their correction, many children secure treatment for defects which otherwise would be neglected.

Whether the temporary refusal of a certificate or the granting of a certificate for a limited time is the better method of securing the correction of defects depends largely upon the opportunities which the particular city offers for free medical treatment, and this, of course, may differ with the character of the defect. The smaller places are not usually equipped for free treatment of any considerable number of children. Furthermore, many cities which have clinics or dispensaries adequate for the treatment of all cases of one kind of defect are not equipped to give free treatment to any, or to more than a few cases of another kind of defect. In some cities, however, a considerable variety of different clinics are available, and in at least one such city a list of dispensaries available for free treatment of various kinds of defects is printed on the back of the card which is given the child to take to his parent notifying him of the defect and advising treatment. In a few cities various social agencies assist in building up the health of children who are refused employment certificates because of their physical condition by seeing that they are furnished with milk and nourishing food or by sending them for a period to the country. In some cities, however, not even free dispensary treatment is given without an investigation to determine whether the family is actually too poor to pay for treatment. Where such is the case, many physicians and issuing officers think a certificate should not be withheld for minor defects but that the child should be permitted to work in order to assist in paying for his treatment.

Whatever the defect found the child's parents should, of course, be notified of its existence. Children who are refused certificates of physical fitness for work, either temporarily or permanently, are usually told, and in some offices their parents are formally notified, of the reason for refusal.<sup>12</sup> If the parent is present at the time of the physical examination<sup>13</sup> he is usually urged to secure treatment or the child. In some cities, however, parents are not notified directly of defects found but are supposed to be told by the child. In such places, of course, unless the child is refused a certificate,

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<sup>12</sup> See p. 140. For reports to the issuing office see pp. 140-141, 166.

<sup>13</sup> See pp. 47-49, 77.

the parent may never know of the defect and the child may therefore not receive treatment which his parents could and would gladly supply if they knew the need.

The success attained, not only in securing treatment for defect but also in securing a healthful environment for a child who has been declared physically unfit to work, depends largely upon the provisions made for public supervision over his daily life. When a physically defective child is returned to school<sup>14</sup> and medical inspection of schools exists the child, of course, remains under the care of the school physician. In at least one city the school attendance department, when notified that a child has been refused because of heart trouble, endeavors to have his school principal make special provision for his care, such as placing him in a classroom on the ground floor. Such general supervision is not sufficient, however, to secure in all cases the treatment and oversight needed. Every defective child should be reported to some agency which will follow him up and see that he receives whatever treatment is required. In most cities cases of tuberculosis or other communicable diseases are reported at once to the health department and are followed up by visiting nurses from that department. But as yet in only a few cities are all children refused certificates because of physical defect referred to school or public-health nurses who visit the homes and see that the children follow the treatment prescribed.

The fourth kind of action which may be taken by a physician in regard to a child whom he finds not physically fit for all types of work—refusal of a certificate for a particular occupation—is possible, of course, only in States where the physician certifies to the child's physical fitness for the particular work in which he intends to engage,<sup>15</sup> and even in these States many physicians pay little or no attention to the character of the occupation. Few examining physicians, indeed, have ever visited the establishments where the children they certify are employed or have ever found time to inform themselves as to the work these children do in the various occupations. In one city it was found that the physical examination was sometimes given before the promise of employment specifying what the child was to do had been presented.<sup>16</sup>

In cities where the physicians pay some attention to this matter they differ widely, moreover, in their use of this provision and only a few of them have worked out standards even for their own guidance. In at least one issuing office, however, it was found that the two examining physicians had agreed upon one standard of height and weight for any occupation and a higher one for any occupation other

<sup>14</sup> See p. 192.

<sup>15</sup> See pp. 83-84.

<sup>16</sup> See pp. 49, 50-53.



an messenger or errand work.<sup>17</sup> And some physicians, if they found that a child had heart trouble, however slight, authorized his employment only in light, usually sedentary, work. In one cotton-mill town the examining physician stated that he watched particularly for any defect of the lungs as he would not certify a child with such a defect for work in the mills. Other physicians insisted on outdoor work for certain children. It was found, furthermore, that in a few cities either the examining physician or the nurse who assisted him<sup>18</sup> had visited the larger child-employing establishments and knew, at least in general, the character of work which children were required to do.

Even when used with the greatest possible care the provision under which a certificate may be refused for certain occupations can accomplish its purpose completely only in the few States where an employment certificate is made out for a particular occupation and a new one must be secured every time the child's occupation is changed even though his employer remains the same.<sup>19</sup> In States where a certificate is good in the hands of a particular employer only, but without further restriction, this employer may transfer the child from a light occupation to one involving considerable physical strain. And in States where a certificate is good in the hands of any employer, even though a child may be required to bring a promise of employment for his first position, neither the child nor anyone else knows when he applies for his certificate in what occupations he may later be employed. In such States the only interpretation of this provision under which it can accomplish its purpose is one which assumes that by the work which the child intends to do is meant any work which he could legally do while holding the particular kind of certificate.<sup>20</sup>

Furthermore, even in States in which an employment certificate is good only for the particular occupation specified it is extremely difficult to make sure that a child who is physically fit for some occupations but not for others is not employed in an occupation which is likely to injure his health. In the first place the provision that a new certificate must be secured for each new occupation is very difficult to enforce in cases in which the occupation, but not the employer, is changed.<sup>21</sup> An employer may transfer a child from one occupation to another with little chance of detection. In the second place the physician's judgment depends on the detail and the uniform terminology in the description of the occupation given in

<sup>17</sup> See also p. 85.

<sup>18</sup> See p. 77.

<sup>19</sup> See pp. 129-130. See also p. 92.

<sup>20</sup> See p. 91.

<sup>21</sup> See pp. 130, 145, 218.

the promise of employment.<sup>22</sup> And in the third place, if a physician is to certify a child for certain occupations but not for others, he must be familiar not only with the physical strain but with the conditions of labor involved in all the occupations for which he gives certificates of physical fitness. Without thorough familiarity with the requirements of the different occupations a physician might, for example, refuse to certify a boy for messenger work but certify him as physically fit for work in an occupation which involved lifting heavy weights. Conditions of labor differ, moreover, in different establishments, and a child who may be physically fit to work in a certain occupation in one establishment where, for example, the air is free from dust in the room in which that occupation is carried on, may not be physically fit to work in the same occupation in another establishment where the air of the workroom is full of dust.

The need for a thorough study of occupations by physicians who examine children for employment certificates is not confined, however, to States in which the physician certifies that a child is physically fit to be employed only in the particular occupation for which he has presented a promise of employment. Wherever the physician is directed by law to certify that the child is physically fit to be employed in any lawful occupation he can give such a certification intelligently only if he is familiar with the technique of the various processes in which the child may be employed and with their effect upon the health and physical vigor of children. As a rule physical fitness for any occupation is interpreted to mean sound health, or sound health combined with normal development, or merely "sufficiently sound health."<sup>23</sup> Such an interpretation, however, is not adequate, for a child may be in sound health and yet not be strong enough to engage in heavy labor without danger of injury. In all places, therefore, where the examining physician is required to certify that children are fit either for particular occupations or for any occupation he should be allowed time and should be required to visit the establishments where children are employed and familiarize himself with their occupations and with the conditions under which they work. In places where most of the working children are employed in a single industry, as in a cotton-mill town, this is comparatively easy but it is no small task in cities with diversified commerce and manufacturing industries. Furthermore, these physicians should make studies of the physical effects of the various occupations upon children of different types,<sup>24</sup> and arrangements should be made for interchange of the results of these studies. And, finally, standards

<sup>22</sup> See pp. 52.

<sup>23</sup> See pp. 83-84.

<sup>24</sup> See pp. 91-92.

should be developed for the granting or refusal of certificates to various types of children for various occupations.

### Reexaminations.

The requirement of a reexamination when a child changes his position or his occupation is intended primarily to enforce a law which provides that his certificate of physical fitness shall be for a specific occupation.<sup>25</sup> But it is also designed to extend the protection which the first examination offers the health of children who are just entering industry to children who have been at work for some time though they are still of certificate age. Where a physical examination is given only when a child first enters industry, once at work he passes from occupation to occupation without further supervision; and there is, of course, no attempt to determine what effect his labor may have upon him or to make sure that he remains in good physical condition. Yet changes in physical condition after the initial examination must result frequently in the employment of children, not only in occupations for which they are physically unfit, but when they are not fit for any occupation whatever. To prevent this, a reexamination whenever a child changes his position or his occupation, or at stated intervals if he makes no such change, is essential.

Reexaminations, it should be especially noted, furnish an important means of discovering the effect of the occupations engaged in upon the child's physique and vitality.<sup>26</sup> As already suggested,<sup>27</sup> the determination of the effects of specific occupations upon children of different types is necessary, not only for the protection of the children examined but also for the protection of other children of the same types who may in future apply for certificates of physical fitness for employment in these occupations. Wherever reexaminations are required a child can be prevented from re-entering in a second position an occupation which has proved injurious to his health, and other children of the same physical type can be protected from risk of injury in such an occupation. As previously mentioned,<sup>28</sup> however, to accomplish fully this purpose it is necessary not merely that the child be reexamined whenever he changes positions but that he be reexamined whenever he changes occupations. Furthermore, it is necessary that the physician, in giving the reexamination, make all the tests used in the first examination and that he note especially any change in physical condition. For this purpose he should consult the records of all previous

<sup>25</sup> See pp. 83-84.

<sup>26</sup> See p. 153.

<sup>27</sup> See p. 90.

<sup>28</sup> See p. 89. See also pp. 129-130.



examinations, including any which may have resulted in the refusal of a certificate.<sup>29</sup>

Reexaminations when children change either their positions or their occupations are specifically required in only a few States, but the requirement of such an examination is implied wherever the law, in addition to specifying that a child shall be physically fit for the work he intends to do, provides either that he shall secure a new certificate and bring a new promise of employment for each new position or occupation, or that he shall go back to the issuing office to have his old certificate renewed for the new employer.<sup>30</sup> In many places, however, where the law appears to require that children be reexamined when applying for subsequent certificates these examinations are not given or, if given, are even more likely to be made a mere form than are examinations of children who are applying for their first employment certificates. In some places they are given only if a specified period—usually from two months to a year—has elapsed since the last examination, or if the child appears to be in poor physical condition, or if some defect was noted at the time of the previous examination. In some issuing offices in States where the law requires children to be physically fit for the occupations in which they expect to engage, a reexamination is required only when the child enters a new occupation. This means, of course, that the opportunity is lost of preventing him from reentering an occupation which may have proved injurious.<sup>31</sup> In a number of offices in one such State it was found, not only that no reexamination was given in any case, but that the issuing officer did not even consult the records to find out whether the physician had noted any defect which might have caused him to certify the child for light work only. And in some such offices no records existed beyond the physician's signature to the previous certificate of physical fitness, so that it was not possible for the issuing officer to discover whether the physician would have certified the child for a different occupation than the one for which the first promise of employment was presented.<sup>32</sup> In these offices, of course, whatever distinctions the examining physician makes in regard to occupations for a particular child<sup>33</sup> have no influence over any occupation except the first. Later the child may be, and not infrequently is, permitted to work in occupations involving much too heavy strain for his physique.

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<sup>29</sup> See p. 166.

<sup>30</sup> See pp. 129-130, 143-148.

<sup>31</sup> See p. 88.

<sup>32</sup> See p. 166.

<sup>33</sup> See pp. 88-90.

Even when the law requires that, at the time of the first examination,<sup>34</sup> the child shall be physically fit to engage in any lawful occupation, reexaminations are necessary if his health is to be adequately protected. The child's physical condition may change, either because of his employment or for other reasons. Physical defects and weaknesses often become apparent only when a child is tested by the strain of industrial employment.

The amount of protection to the health of working children offered by a provision requiring reexamination on change of position or occupation depends, however, on the number of such changes. If the child does not change his position or occupation this provision, of course, is of no assistance. Even the conscientious enforcement of a provision requiring a new certificate of physical fitness every time a child's position or occupation is changed, therefore, does not insure adequate and uniform health supervision of all employed children.

In order to meet the need for supervision over the health of children while at work a number of States have provided that industrial inspectors or other State officials enforcing the child labor laws may require any child under 16 or, sometimes, 18 years of age who appears physically unfit for the work in which he is engaged to be examined by a physician and, if the physician's report is unfavorable, may revoke the child's certificate.<sup>35</sup> In at least one State such an examination may be required of any child, regardless of his appearance; but in another State, in which the evidence of age demanded for a certificate is weak, it may be required only if the child appears to be under age. In most States which have such provisions, however, they are rarely, if ever, used; and even if used freely, they could be of little more assistance in protecting the health of all working children than provisions requiring applicants for employment certificates to have physical examinations only at the discretion of the issuing officer.<sup>36</sup> Even when, as in at least one State, a medical inspector of the labor department,<sup>37</sup> instead of an industrial inspector, picks out the children to be examined, this provision has been little used, and consequently is of little value, because the staff of medical inspectors is inadequate and has many other duties.

The only provision which would insure adequate supervision over the health of all children after their entrance into industry would be one requiring periodical examinations, at least annually, to determine changes in physical condition and the effect of occupations. The committee of physicians appointed by the Children's Bureau

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<sup>34</sup> See pp. 83-84.

<sup>35</sup> See pp. 73-74.

<sup>36</sup> See pp. 78-80.

<sup>37</sup> See p. 205, footnote 10.

to formulate standards of normal development and sound health included in its preliminary report the following recommendations:<sup>38</sup>

#### PERIODICAL REEXAMINATIONS FOR ALL WORKING CHILDREN.

All employed children up to the age of 18 should have at least one yearly physical examination, to be made by a public medical officer appointed for this purpose. Whenever in the judgment of the medical examiner more frequent examinations are desirable, the child should be ordered to report at stated intervals for this purpose. These examinations should take place in the certificate-issuing office, in the continuation school, or in the establishment in which the child is employed.

Only one State as yet requires such examinations, but in States and cities where continuation-school attendance is compulsory, and where there is medical inspection of continuation-school pupils, physical examinations could be made at regular intervals of all children in these schools—i. e., of all children of compulsory continuation-school attendance age who are legally employed. Power to give these examinations would not alone be adequate, however, to secure the correction of defects or prevent the employment of children who were physically unfit for work. Only if the physicians who examined children in continuation schools had the power to revoke or cause the revocation of the employment certificate of any child who was found to be in bad physical condition would the child's health be adequately protected.<sup>39</sup>

#### State supervision.<sup>40</sup>

The physical standards for entering employment should be as nearly as possible the same for all children in the State. The chief difficulties in the way of making them the same are: First, lack of adequate appropriations; second, diffusion of responsibility among many different physicians; third, lack of standard tests and of a standard basis for decisions as to the action to be taken; and fourth, lack of supervision by any State agency, and in many cities even by any city agency,<sup>41</sup> over the work of the various examining physicians. Because of inadequate appropriations, in many places where physical examinations are required by law they are not actually given and in many others they are so hastily and perfunctorily given as to be of little value.<sup>42</sup> As for the number of examining physicians, the difficulties arising from its necessary diffusion among a considerable

<sup>38</sup> See Physical Standards for Working Children, Preliminary report of the committee appointed by the Children's Bureau of the U. S. Department of Labor to formulate standards of normal development and sound health for the use of physicians in examining children entering employment and children at work, p. 11. U. S. Children's Bureau Publication No. 79. Second edition. Washington, 1921.

<sup>39</sup> See p. 31. See also pp. 197-198.

<sup>40</sup> See pp. 79, 81-82. See also p. 70.

<sup>41</sup> See pp. 76-77.

<sup>42</sup> See pp. 74, 75-76, 77, 80-83.



number of physicians<sup>43</sup> at best—though this work could usually be concentrated in the hands of a much smaller group of individuals than it is at present—must inevitably lead to the application of different standards unless uniform tests are used and uniform decisions are made in regard to the issuing of certificates to children with certain defects. And such uniform tests can not even be developed, and if developed would not be used, without close supervision over all examining physicians by some State agency.

The first essential in the standardization of examinations for physical fitness to work and the establishment of a uniform basis for decision in regard to the permanent or temporary refusal of a physician's certificate of health is the adoption of a uniform blank for use throughout the State and of adequate instructions for making the tests indicated on the form.<sup>44</sup> These instructions should cover both the methods of giving the tests and the action to be taken in regard to all possible defects which may be found. Even if all the children in a State could be examined by one physician, a form on which to record the results of the tests would still be needed to secure uniformity, though instructions for giving the tests and for the action to be taken might be omitted. But in the larger industrial centers not even all the applicants in a single city can be examined by the same physician, and, therefore, not even the children of that city will be given examinations of approximately the same degree of thoroughness unless detailed instructions are given to and followed by all examining physicians. Furthermore, in all places the examining physicians will be changed from time to time and uniform standards will not be applied unless each new physician has, as a guide, a form giving the tests to be made and instructions for making them and for arriving at decisions as to whether a particular child should be given or refused a certificate, should be allowed to work temporarily while under treatment for defects, or should be permitted to work only in certain occupations.

The perfunctory character of the examinations often given for physical fitness to work is due largely to the fact that the physicians who make these examinations are rarely furnished with instructions of any kind and, if required to keep any records, are not obliged to fill out detailed forms covering definite tests which they are expected to make. As already noted,<sup>45</sup> where the physician merely signs a general statement concerning the child's physical condition he is very likely to make a perfunctory examination, and to keep either no record

<sup>43</sup> See pp. 74-75, 76, 77-78, 82.

<sup>44</sup> For the recommendations as to forms made by the committee of physicians appointed by the Children's Bureau, see Physical Standards for Working Children, U. S. Children's Bureau Publication No. 79.

<sup>45</sup> See p. 81 et seq.

whatever or only a memorandum of the child's name, the date, and the results of the examination, sometimes for his own future reference and sometimes for use in connection with his application for a fee for giving the examination.<sup>46</sup> It should be mentioned to their credit, however, that certain examining physicians, even without being furnished with blank forms for the purpose, keep a complete record of the examinations which they give.

In a few States and in certain cities in other States forms are provided for entering the results of physical examinations.<sup>47</sup> These forms differ widely, some enumerating only a few points and other going into great detail. They usually cover the child's past history of diseases, as well as his present condition, and sometimes they also contain questions as to the child's family history, such as the number of living and dead members of the family and the causes of death. These forms constitute in effect instructions as to the points to be covered by the physician in his examination. They do not usually specify the precise method to be used in making the tests, but sometimes are accompanied by more or less complete instructions as to the methods of examination and sometimes as to the decisions to be made in case of certain defects.<sup>48</sup> The form for recording in detail the results of an examination is sometimes in addition to the actual certificate of physical fitness. In that case the latter document is merely a card which is taken by the child from the physician to the issuing officer.

In the States which have uniform blanks for recording the results of physical examinations, these forms have been drafted and their use has been prescribed by some State agency, usually the agency which has general supervision over the enforcement of the child labor law.<sup>49</sup> Authority to require the use of such forms in theory gives this State agency power to determine the character of the examination to be made throughout the State. In practice, however, it merely increases the probability, but does not alone guarantee, that uniform methods will actually be used.

Only a system of State supervision capable, not only of prescribing the character of the examination, but also of insuring that the tests will always be given in the manner prescribed and that finding of the same defects will always result in the same action in regard to a physician's certificate, can insure the same health protection for all the children of the State. Without uniform and detailed forms and instructions each physician will inevitably be a law unto himself and as many different physical standards are

<sup>46</sup> See p. 82.

<sup>47</sup> See pp. 134-135, 166, 169-170.

<sup>48</sup> See pp. 84-91.

<sup>49</sup> See pp. 34-35, 35-36, 42-44.

likely to be applied to applicants for certificates as there are examining physicians in the State. But without supervision to insure the use of such forms and instructions the same diversity may occur in States where they are provided as where they are not. Some State agency, therefore, preferably in most States the agency which is charged with the general enforcement of the child labor law,<sup>50</sup> not only should have authority to draft, furnish, and prescribe the use of forms and to issue instructions to examining physicians as to their use, but should also have authority to require from these physicians detailed reports or duplicate records of all examinations made by them.<sup>51</sup> "Each such department," the committee of physicians appointed by the Children's Bureau stated, "should employ one or more physicians qualified in industrial hygiene, who shall be authorized and required to supervise the work of the local examining physicians."<sup>52</sup>

Until some adequate system of central supervision is established wide variations are sure to continue in examinations for physical fitness within each State, and often within a single city, and these examinations will inevitably remain in most places insufficient to protect the health of working children. Without such supervision many physicians are certain, indeed, to regard these examinations as a mere formality instead of as an opportunity to detect and remedy physical defects which, if not attended to, may seriously affect the child's health, and prevent his employment in an occupation which may result in physical injury. Only efficient State supervision can give anything like uniform and adequate health protection to children throughout an entire State.

### EDUCATIONAL REQUIREMENTS.

The educational requirements for employment certificates, like the physical, differ widely among States. The most usual requirement is completion of a certain grade or of a course of study equivalent to that of a certain grade,<sup>53</sup> but the grade ranges from the fourth to the eighth. In a few States the law requires only completion of certain studies of the grade specified.<sup>54</sup> Some States, however, prescribe a standard which is independent of any school classification, such as that a child shall be able to read and write simple sentences, sometimes in English and sometimes apparently in any language, or shall be able both to read and write and to perform certain operations in

<sup>50</sup> See pp. 34-35, 42-43.

<sup>51</sup> See p. 166.

<sup>52</sup> Physical Standards for Working Children. U. S. Children's Bureau Publication No. 79, p. 11.

<sup>53</sup> See pp. 107-111.

<sup>54</sup> See p. 105.



arithmetic. To these requirements a number of laws add a provision that the child must have attended school "regularly," or for a certain number of days, during the year previous either to his fourteenth birthday or to the date of his application for a certificate.<sup>55</sup> Some laws permit a child who has been in school for a certain number of years to go to work regardless of his progress in school, usually on condition that the principal, teacher, or superintendent certifies that the child is mentally incapable of attaining the required standard. Still other States allow all educational requirements to be waived for children who are pronounced mentally defective.<sup>56</sup> Some States, however, still have no educational standard whatever even for employment during school hours, and many have no standard, or a very low one, for employment outside school hours or during vacation periods.<sup>57</sup>

The responsibility for enforcing educational requirements may rest upon officials of the school or of the school system in which the child has been enrolled, or upon the issuing officer, or upon both. Where the educational requirement is completion of a certain grade its fulfillment must naturally be shown by presentation of a school record.<sup>58</sup>

As already stated,<sup>59</sup> if this is the sole requirement, the issuing officer may have no responsibility beyond seeing that the school record is properly made out, shows the required facts, and appears to be an authentic document.<sup>60</sup> Sometimes, however, he must "approve" the school record as showing fulfillment of the requirements.<sup>61</sup> In some States the principal or teacher of the child's school is also required to certify to other requirements, such as the child's ability to read and write English or to perform certain operations in arithmetic. And usually, where there is a school-attendance requirement for an employment certificate, one or more local school authorities must certify to its fulfillment. Wherever the attendance has been in more than one school, however, the issuing officer is in most places responsible for seeing that this requirement has been fulfilled.

The chief responsibility of the issuing officer is usually for the enforcement of educational attainments which are independent of the grade completed. Even in States where a definite grade must have been finished the issuing officer is often required by law to certify to the child's attainment of some special proficiency in English,

<sup>55</sup> See pp. 104, 117-120.

<sup>56</sup> See pp. 120-123. See also pp. 115-116.

<sup>57</sup> See pp. 150-151.

<sup>58</sup> Throughout this report the term "school record" is used to designate a report from a school certifying to facts in regard to a child's school work. In some States, however, such documents are called "school certificates."

<sup>59</sup> See p. 30.

<sup>60</sup> See pp. 99-107.

<sup>61</sup> See pp. 30, 112-113.

arithmetic, or other subjects, and sometimes to his fulfillment of all the requirements of the law. In these States the responsibility for fulfillment of the requirements is sometimes divided between the school principal or teacher, who certifies to the grade completed, and the issuing officer, who certifies to the educational attainments. In States, however, which have no grade requirement but specify directly the amount of education which a child must have to go to work, the entire burden of determining whether a child has the educational qualifications for an employment certificate may rest upon the issuing officer. Although the law does not, as a rule, specify how the issuing officer shall satisfy himself as to the facts to which he must certify, it sometimes requires an examination at the issuing office. In practice, though issuing officers in these States often demand school records as evidence of fulfillment of requirements, the more conscientious ones usually fall back upon special examinations at least in doubtful cases.<sup>62</sup> In any event, these issuing officers must themselves bear the entire responsibility for the acceptance of school records as well as for whatever examinations they give.<sup>63</sup>

#### School records.

A school record must necessarily be issued by some official of the school which the child has attended or of the system of which that school is a part. Usually such records are issued by the principal or person in charge of the individual school, but sometimes they are issued by the superintendent of schools. Even in the latter case they come, though indirectly, from the person in charge of the individual school, who sends them to the superintendent. As a rule, the law requires definitely that the record must be from the school which the child last attended. The issuing of school records is usually, therefore, scattered among a considerable number of local officials of as many different schools—public, private, and parochial—as exist in the community.<sup>64</sup> In some places, however, arrangements have been made whereby only one official, usually the superintendent, is designated to issue school records for each different group of schools, as for the public schools and for the parochial schools maintained by each different church organization. Where such an arrangement has been made the issuing officer recognizes only school records issued by the designated officials. In at least one State school records are issued in certain cities and school districts only by the superintendent of the public schools, so that in such places he has control over the issuance of school records even to parochial school

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<sup>62</sup> See pp. 111-117.

<sup>63</sup> See p. 20.

<sup>64</sup> For the procedure in regard to school records of children who last attended school in some other community than the one where they are applying for employment certificates, see pp. 104-105.

children. In practice, however, as the superintendent frequently does not keep in his office records of the standing even of public-school pupils, and rarely has such records for parochial-school pupils, he is obliged to depend in most places upon the recommendation of the child's school principal, and often merely countersigns a school record given the child by his principal.

The issuing of school records during vacation periods<sup>65</sup> is a special problem in communities where all such records are issued by the principals or teachers in charge of separate schools and where no central files of school records are kept. These principals and teachers frequently go away during the long summer vacation, and sometimes even during short vacations, and in their absence applicants for employment certificates are unable to procure their school records.<sup>66</sup> At least one State provides that during the absence of both the superintendent of schools and the principal of the school last attended a child may procure his school record from the clerk of the school board. In cities which have a superintendent of public schools, however, the superintendent's office is usually open during the entire year, and in many such cities the superintendent keeps on file duplicate records of all the children in the public schools of his district. In these cities, of course, public-school children have no difficulty in securing their school records during vacation. And in a few of these cities the records in the superintendent's office include school histories of all parochial- as well as all public-school children.

In cities where the superintendent of schools keeps no central file of duplicate school records, various other methods have been devised to meet the difficulty in securing school records during vacations. Under laws which permit the issuance of vacation certificates without the presentation of a school record,<sup>67</sup> such certificates are often issued in lieu of regular certificates during school vacations; when school opens the children secure their school records and exchange their vacation for regular certificates. Where the law prescribes educational requirements for vacation certificates children are sometimes allowed to present ordinary report or promotion cards, and certificates of graduation from grammar school are often accepted even during school term in lieu of school records. In some cities the pupils of schools from which many children go to work are told at the close of the school year that, if they wish to obtain positions before school opens in the fall, they must secure their school records at once. These records are not always actually issued at that time,

<sup>65</sup> In some States the requirement of a school record may be waived, and an examination may be given children who apply for an employment certificate during a school vacation. See pp. 105, 112.

<sup>66</sup> See pp. 136-137.

<sup>67</sup> See pp. 12, 150-151.



it in at least one city are made out, with the date only omitted, and are left in the superintendent's office to be dated and given to the children when they are ready to apply for employment certificates. In another city all schools, both public and private, send to the attendance department at the end of the school year records of all children 14 years of age, and of all to become 14 during the summer vacation, who have complied with the educational requirements for an employment certificate. In some cases the records of children who are not yet 14 according to the school registers are also sent provided they have met the educational requirements, because the school registers are not considered conclusive proof of age and because, even if they were, it is not considered necessary for the school superintendent to pass upon any other qualification than the educational. These records are signed by the school principals and are, therefore, ready to use for all children who apply for employment certificates during the vacation.

Whether the records of all children or only of those who may apply for employment certificates during a school vacation are kept, a central file of duplicate school records in the superintendent's office seems the best solution of the problem of obtaining school records when the schools are not in session. In most cities where complete records are kept they are used, not only for children who apply during vacation, but for all children who apply at any time. Furthermore, in many cities in which employment certificates are issued in the superintendent's office where these records are kept, the issuing officer merely consults the school record of an applicant to see whether he has fulfilled the educational requirements, and does not make out any new record to give the child or to be filed with the evidence of his fulfillment of the other requirements.<sup>68</sup> And in other such cities the issuing officer consults the superintendent's files to check up the statements made on the record which the child has brought from his school principal.

The only objection to the use at all seasons of a central file of duplicate school records is that it offers the principal of the school in which the child has been attending and his teacher, who know much better his needs and capabilities than can the superintendent, no opportunity to endeavor to persuade him to remain in school.<sup>69</sup> In many States, however, a school record must by law be issued to any child who has met the requirements and in such States efforts to persuade children to remain in school are not likely to have much effect. Nevertheless, in one such State, where issuing officers may refuse an employment certificate to a child if they believe such

<sup>68</sup> See also pp. 134-137.

<sup>69</sup> See pp. 102, 105-106.

refusal to be for the child's best interest,<sup>70</sup> the State supervising agency requires that the school authorities who issue school records shall recommend in each case whether or not an employment certificate should be granted.<sup>71</sup> In this State, though a school principal or superintendent has no authority to refuse a school record to a child who has the requisite qualifications, he may recommend that the certificate be refused and, if he does so, the issuing officer is instructed not to issue the certificate without a hearing at which all the interested parties have an opportunity to appear. And in at least one city in another State, where a central file of duplicate school records is consulted for the child's school standing and attendance, the issuing officer always telephones the principal of the school from which the child came to ask whether he recommends the granting of an employment certificate.

In some cities school superintendents, and in others the principals of certain schools, have made administrative rules for the issuance of school records or for recommending that employment certificates be granted. This may be done under a law allowing the school authorities to exercise their discretion in the issuance of school records, or under an administrative regulation that such a record must contain the recommendation of the officer who signs it as to whether or not the employment certificate should be issued. Such regulations have been put in force, also, in certain cities in States where the law requires that a school record shall be issued on demand of any child who has fulfilled certain definite requirements. In some cities the superintendents or the principals or teachers of certain schools will not issue a school record until the parent has signed a blank form giving his or her consent and stating the reason for the child's going to work. Furthermore, individual school principals and teachers sometimes put forth special efforts, not only to make sure that the parent is willing to have the child go to work, but to persuade the parent to allow the child to remain in school. Some school principals require the parent to appear at the school to be interviewed before they will grant a school record, and others visit the home or have a teacher do so, for the purpose of interviewing the parent and attempting to find some way to keep the child in school.<sup>72</sup> These efforts of superintendents, principals, and teachers to prevent children from leaving school are, perhaps, more effective than the similar efforts of issuing officers<sup>73</sup> because they are more likely to be made before any break has occurred in the child's school life.

A more common type of special administrative requirement for the issuing of school records is intended to assist in the enforcement

<sup>70</sup> See p. 30.

<sup>71</sup> See pp. 106-107.

<sup>72</sup> See pp. 105-106.

<sup>73</sup> See pp. 48-49.

of the compulsory school attendance law by preventing a child from securing a school record—and so becoming unsettled in his school work even though not permitted to leave before his certificate is actually issued<sup>74</sup>—until he has fulfilled certain other requirements for an employment certificate. For example, a child is sometimes required to produce a promise of employment, sometimes evidence of his age, and sometimes both, before he is given a school record entitling him to an employment certificate. Where a statement of consent from the parent, a promise of employment, and evidence of age are all presented before a school record is issued, the child is practically assured, when he secures the latter document, of a certificate if he can meet the physical requirements. The promise of employment and evidence of age are not passed upon finally by the official who issues the school record, but must be presented later, usually by the parent and child together, at the issuing office. Nevertheless, the requirement that these documents must be secured before a school record is issued tends in many cases to prevent, or at least to shorten, the break between school and industrial life.<sup>75</sup>

Even more necessary than such additional regulations for the issuance of school records, however, is the fundamental rule that they should be issued only to children who have fulfilled the educational requirements for an employment certificate.<sup>76</sup> If such records are given to children who have not fulfilled these requirements, the minds of many children are unsettled and their interest in their school work is greatly diminished by the false hope that they may soon be able to drop school for industry. Nevertheless, under the laws of many States a school record may be issued to any child on application, and in some places a school principal will fill out such a form for a child who has not met the attendance or sometimes even the grade requirements, without the slightest regard to whether the child can possibly produce any supplementary evidence which would entitle him to a certificate.<sup>77</sup> In such cases the record shows, of course, the grade actually completed and the actual amount of school attendance, even though they do not fulfill the requirements. In some places the same form of record is given to children who are transferring from one school to another as to children who are applying for employment certificates; in that case a child's school principal may not even know the purpose for which the record is desired and

<sup>74</sup> See pp. 191-192.

<sup>75</sup> Sometimes children are merely instructed when they apply for their school records as to how to secure these other documents. See pp. 130-133.

<sup>76</sup> In States which require completion only of certain studies of a specified grade children are, of course, given school records, and later certificates, who have failed in other studies. See p. 97.

<sup>77</sup> See pp. 106-107.



may therefore have no opportunity to endeavor to dissuade the child from leaving school.

Wherever an attendance requirement <sup>77a</sup> exists, of course, either in combination with or as an alternative to other requirements, the principal of the school last attended is unable of his own knowledge to certify whether a child who may have attended some other school during part of the period can meet this requirement. In at least one State, however, where the law provides that school records shall not be issued to children unless they have attended for the requisite period, many principals actually issue such records to children who have met the grade requirement but have not been enrolled in that particular school long enough to meet the attendance requirement. Sometimes such records are issued to all applicants, leaving to the issuing officer the task of securing whatever further evidence is required. But sometimes they may be issued only to children who state that they can procure and produce at the certificate office records showing attendance in other schools for the remainder of the period. Even where such a statement is required, however, some children may be given school records who in the end are unable to secure employment certificates because of inability to prove fulfillment of the attendance requirements. To prevent this the school authorities who issue records should require children who have not fulfilled the attendance requirements in the schools under their supervision to present to them evidence as to attendance at other schools. Nothing can be lost, and unnecessary disturbance of the child's school life may be saved, by requiring children to present such evidence before securing their school records as well as later when applying for their certificates.

The procedure in regard to the school record of a child who last attended school in some other city than the one in which he makes application for an employment certificate differs, in most issuing offices, according to the place where the child has been in school. If the other city is in the same State the child is usually required to send for his school record. If it is in another State he may be required to send the special form of school record in use in the State where he wishes to work and have it filled out and returned by his former school principal in the other State, or he may be permitted to present whatever form of report card was given him at the former school provided it shows fulfillment of the educational requirements. The former course is followed, as a rule, only in States where the law specifies the precise form of school record which must be presented; and in some offices in these States it is believed that this procedure offers an opportunity for the child, with little chance of detection, to fill out and sign the form himself or get some

<sup>77a</sup> See pp. 98, 117, 120.

relative or friend to do so, and that a report on the form actually used by the school in the other State is better evidence of fulfillment of the requirements. If the school last attended was in some foreign country the child is not usually asked to produce any school record, as records from such schools are not, as a rule, held to prove fulfillment of the educational requirements for an employment certificate.<sup>78</sup>

In some States the law provides that, in case such a record can not be secured, the requirement of a school record may be waived.<sup>79</sup> In such cases the issuing officer is responsible for securing other evidence of the child's fulfillment, sometimes of the same requirements as those covered by the school record, and sometimes of slightly different requirements with emphasis usually not on the grade completed but on the child's attainments. Even when the requirement of a school record prescribed by law is waived, however, many issuing officers demand that children present whatever form of record they can secure as evidence of their school standing<sup>80</sup> or attendance,<sup>81</sup> or both.

The law usually specifies, at least in general, what the school record shall contain. As a rule it must state the grade completed and, in States which require a certain period of school attendance, it must also contain a statement of the number of days or weeks of attendance during the specified time. Furthermore, in States which require such attendance in a school where certain subjects are taught<sup>82</sup> it usually specifies the studies which the child has pursued; and in those in which only certain subjects of the grade must have been completed<sup>84</sup> it sometimes adds the ratings in each of these subjects. In some States which have a standard of education independent of grade completed,<sup>85</sup> the school record must state that the child has attained this standard, even though the issuing officer may also be responsible for the child's fulfillment of this requirement. Other data sometimes added to the school record include—in addition, of course, to the child's name and address—his age, physical description, general conduct in school, and the name of his parent or guardian. Sometimes the school-record form contains a warning to the employer that it does not authorize the employment of the child. And in at least one State it calls for answers to questions not only as to whether the child's school principal recommends the granting of the employment certificate but also as to whether he

<sup>78</sup> See pp. 111, 114, 120.

<sup>79</sup> For another class of cases in which this provision is sometimes used see pp. 118-119.

<sup>80</sup> See p. 113.

<sup>81</sup> See p. 120.

<sup>82</sup> See p. 109, 117.

<sup>84</sup> See p. 97.

<sup>85</sup> See pp. 97-98.

tried to persuade the parents to keep the child in school and what reason they gave for not doing so.<sup>86</sup>

The form of school record to be used is in some States prescribed, and in a few it is also furnished, by a State agency<sup>87</sup>—sometimes the department of education and sometimes the labor department or industrial commission. In many States, however, each city or town has its own forms, supplied in some places by the school authorities and in others by the issuing office. Where the school authorities prepare and supply their own forms for school records two or more different forms are often presented at the certificate office, one type issued by the public schools and others by the various kinds of parochial or private schools. It has even been found in certain places where central files of the records of all public-school children were kept in the superintendent's office that no school-record forms whatever were provided for parochial-school children, and that as a result various kinds of statements from the principals of these schools were accepted in lieu of formal records. In other places forms have been found in use which did not contain spaces for all the data required by law. Where these forms are supplied by the certificate-issuing office, on the other hand, they are usually uniform, at least in a single community. Wherever the school-record form is not prescribed and furnished by some State agency, however, the forms used in different places within the State sometimes differ enough to cause lack of uniformity throughout the State in the enforcement of the educational requirements.<sup>88</sup>

Except for the use in some States of uniform blank forms prescribed, and sometimes furnished, by a State agency, few States exercise any supervision, even of the most shadowy kind, over the issuing of school records. The State department of education has in some States general supervision over this work, but usually makes little or no effort to exercise its powers. Yet in many States fulfillment of the educational requirements is proved solely by a school record. In these States, of course, a minimum educational standard for employment is fixed only so far as the work of all the schools of the State is standardized and the methods of all the numerous persons authorized to issue school records are the same. In many States, for example, the question as to whether school records should be issued to children who have not fulfilled all the educational requirements for employment<sup>89</sup> is left entirely to the discretion of the school principals or other officials who issue such records. Even in a single city some principals may give, and others

<sup>86</sup> See pp. 101-102.

<sup>87</sup> See p. 36.

<sup>88</sup> For the filing of school records in the certificate office see p. 166.

<sup>89</sup> See pp. 103-104.



may refuse, school records to children who have not fulfilled the requirements. Unsupervised school authorities are also sure to differ widely in their judgment concerning the points to be considered in connection with the exercise of any administrative discretion they may have as to the granting or refusal of a school record or of a recommendation that a child be permitted to go to work.<sup>90</sup>

Furthermore, because of lack of supervision over their issuance, the educational standards for these records differ widely according to the ideas of the various school principals in a single city as well as in a State. Cases have been found in which a child who was unable to secure a school record from one school has changed to another and within a short time has appeared at the issuing office with a school record granted by the second school. In some cases children have even obtained such a record from a school previously attended and have succeeded in passing it off at the issuing office as from the school last attended. And in some places principals and teachers have been found who were so unfamiliar with the requirements of the child labor law that they had issued school records contrary to its provisions or had given advice, sometimes in writing, to children or employers which caused them to violate the law. The school authorities who are permitted to issue school records for employment certificates should thoroughly understand the law and should cooperate with all the officials who are intrusted with its enforcement.<sup>91</sup>

### Grade requirements.

The lack of State supervision over the issuing of school records affects most seriously the enforcement of laws which require completion of a certain grade. Only a school record can prove fulfillment of this requirement. Uniformity in the application of the requirement depends wholly, therefore, upon uniformity in its interpretation and application by the principals and superintendents who issue school records and upon uniformity in the standards of the various schools from which such records are accepted. Without close supervision over this work, however, the interpretation of the law and the methods of issuing school records adopted by local school authorities are sure to differ considerably. And unless some State agency determines the standards to be maintained by all schools the records of which are acceptable as evidence of fulfillment of the requirements for an employment certificate, school records showing completion of a given grade are sure to mean

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<sup>90</sup> See pp. 101-102.

<sup>91</sup> See p. 192.

different degrees of education according to the school in which the grade was completed.<sup>92</sup>

The meaning of a requirement that a child shall have completed a certain grade, or certain studies of a grade, seems fairly definite. Some school authorities, however, do not interpret the word "completed" to mean that the child shall have received a promotion into the next following grade, but consider that a child who has spent a year in a grade has "completed" it even though he has not passed an examination for promotion to the next grade above. In some cities, moreover, it was found that a child who had spent two years in a grade was, as a rule, considered to have finished the work of that grade and was promoted even though he could not pass the examination. The reason given for this interpretation was that so many different standards are found among teachers in marking examination papers that a child may be passed by one teacher who would have failed under the markings of another. Furthermore, in some cities certain children, usually only the foreign born, are drilled in the "essential" subjects of the grade which they must have completed in "rapid advancement" or special "employment certificate" classes.<sup>93</sup>

In some cities it has been found that in a considerable number of cases teachers, and even principals, have deliberately given children unearned promotions from one grade to another in order to enable them to leave school for work. Cases have been found in which such children have been given one promotion after another in rapid succession, and others in which they have been promoted two grades at a time. Especially in the congested districts of cities, where the schools are overcrowded and the classes large, teachers and principals are very likely to yield to the temptation to permit children who are stupid or troublesome or whose parents plead unusual economic need for their earnings, to leave school for work regardless of their failure to meet the educational requirements of the law. In cities where the superintendent keeps duplicate school records in his office he can detect the most flagrant cases of this practice, but even in these cities the superintendent's records usually cover only public-school children.<sup>94</sup> Furthermore, in some cities where such records are kept they are not used to check this abuse, which diminishes the child's respect for the law at the same time that it deprives him of schooling which the law requires he should have before assuming the burden of self-support.<sup>95</sup>

<sup>92</sup> For a discussion of State supervision over examinations at the issuing office see pp. 116-117.

<sup>93</sup> See also p. 115.

<sup>94</sup> See pp. 99-100.

<sup>95</sup> For other methods of preventing this practice, see pp. 109-110, 113-114.

Completion of a grade is usually defined as completion of that grade in the public schools of the place where the application is made or in some school having a "substantially equivalent course," or as completion anywhere of an "equivalent" or "substantially equivalent" course of instruction. In a few States this provision as to the educational standard for employment constitutes the only control exercised by the State over the standards of private and parochial schools. In other States the law makes certain requirements as to what shall be taught all children of compulsory school age. In certain States, for example, compulsory school attendance must be at a day school in which reading, writing, spelling, English grammar, arithmetic, and geography are taught in the English language,<sup>96</sup> or the children must receive equivalent instruction elsewhere than at school. Sometimes the law also provides that, if a child is instructed elsewhere than at a public school, the instruction shall not only be "substantially equivalent" to that given children at the public school but shall be for at least as many hours a day and for at least as many days or weeks during the year. Some laws, however, provide that parochial and private schools shall make certain reports to public-school authorities, either local or State, and in some States the work of such schools is subject to the approval or under the supervision of such authorities. Where only reports are required they are usually designed, primarily at least, to assist in the enforcement of the compulsory school attendance law. But where State school authorities must approve or supervise the work of any school in order that attendance at that school may be accepted as fulfilling the requirements of the compulsory school attendance law, it is possible for these authorities to standardize the work of all schools from which school records are accepted as showing fulfillment of the requirements for employment certificates.

In considering uniformity in standards it should be noted that public schools are under the management of local school boards, with usually a certain degree of guidance from a State department of education over their courses of study in the various grades but rarely with any effective supervision over their methods or results. Uniform examinations throughout a State are rare, and frequently in the public schools of a single city promotions from one grade to another are entirely at the discretion of individual teachers. Even where a uniform course of study is followed, therefore, public schools may differ considerably in the type of instruction and the degree of proficiency required for promotion from grade to grade; and, as a result, completion of a certain grade in one school may mean only roughly the same degree of education as completion of that grade

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<sup>96</sup> See also p. 117.



in another school. In some cities, however, examinations for promotion are carefully checked in the office of the superintendent of schools. This system of checking, of course, not only insures greater uniformity in the educational equipment with which children go to work, but makes it impossible for principals and teachers to enable children to leave school on employment certificates by giving them undeserved promotions.<sup>97</sup>

Agents of the Children's Bureau found that the superintendent of schools in one city, in an effort to introduce greater uniformity into the educational equipment of applicants for employment certificates, required that every child who had not completed at least half the work of the grade just above that which the law prescribed as the minimum, should pass a special examination before he was given a school record. These special examinations were held in each school district of the city every two weeks and were conducted by the principal of one of the schools of that district under the general direction of the superintendent. The subjects to be covered by the examination and its general character were determined by the superintendent. Authority for this requirement was found in a provision of law that the school record should be issued "after due investigation and examination." Such a plan, applied uniformly throughout an entire city, would prevent unearned promotion of children desiring employment<sup>97</sup> and would insure that all public-school children, at least, would meet approximately the same minimum educational requirements before employment.

The differences in standards between various parochial and private schools and between them and the public schools are much greater than those between different public schools. In many States, in spite of the stipulation concerning a substantially equivalent course, the education of children who have completed a certain grade in a parochial or private school may differ considerably from that of a child who has completed the same grade in a public school, or in some other parochial or private school. Some States do not exercise any supervision over parochial and private schools, and some do not even require that, if attendance at a parochial or private school is to be accepted under the compulsory education law, the teaching shall be in English. In some States many children receive all their education in bilingual schools where English is used in perhaps half the classes and some foreign language in the other half. In many localities, however, the parochial schools voluntarily cooperate to keep the standards of their different grades substantially equivalent to those of the public schools; and the child labor laws of most States

<sup>97</sup> See p. 108.

make a certain degree of familiarity with the English language one of the requirements for obtaining an employment certificate.

The question whether completion of a grade in some other city or State or in a foreign country meets the educational requirements of a State is similar to the question whether a school record shall be demanded and accepted in such cases,<sup>99</sup> for the grade completed is usually the chief educational requirement proved by a school record. If the city is in the State where the child applies for a certificate, completion of a designated grade is usually regarded as equivalent to completion of the same grade in the city where he applies. Even if it is in another State, most issuing officers rarely question the equivalence of the grade standards.<sup>1</sup> But school work done in some foreign city, with the exception in some places of British—usually Canadian—cities, is not as a rule accepted as equivalent even to the work of a much lower grade in a public school in this country. The methods of grading and courses of study in European schools are rarely known to issuing officers; and, therefore, even where the compulsory education law does not require that children shall attend schools which are taught in the English language or in which certain definite subjects are taught, these officers usually hold that children who have attended school only in foreign countries can not meet the customary requirement of the child labor law that the designated grade must have been completed in a public school or in a school having an equivalent course of instruction.

### Examinations at issuing office.

In some States and cities lack of uniformity in the meaning of school records is to a certain extent, at least, remedied by examinations at the issuing office. If all schools were under the close supervision of some State agency which could insure that their standards were the same and were applied equally to all children a school record would doubtless furnish as good evidence of a child's education as would a special examination. But under the conditions already described the educational standards of a law are much more likely to be enforced in all cases if, even in addition to the requirement of a school record signed by the child's principal or teacher, the issuing officer must certify to the child's educational attainments. Where, for example, it is required not only that the principal or teacher sign a school record showing completion of a certain grade but that the issuing officer certify that the child is able to read and write English and to perform certain operations in arithmetic, it is possible for the latter to insure at least a certain minimum education among children from different schools with a variety of standards.

<sup>99</sup> See pp. 104-105.

<sup>1</sup> See p. 137.

In this case whatever value school records have as evidence of fulfillment of requirements is preserved and at the same time it is possible for the issuing officer to refuse certificates to children who, in spite of their school records, are not able to pass his examination.<sup>2</sup>

One difficulty in the way of making examinations by issuing officers effective aids in preventing children from going to work before they have met the minimum requirements of the law is that in many States the educational attainments to which the issuing officer certifies represent a lower grade of school work than that which must have been completed to obtain a school record. In these States the issuing officer can not give an examination adapted to the grade requirement. Where, for example, the school record must show that the child has completed the sixth grade but the issuing officer certifies only to his ability to read and write simple sentences in English, any test given at the issuing office must be adapted to children from about the third or fourth, or at most the fifth, grade, and the school record constitutes the only evidence of fulfillment of the real educational standard of the State—completion of the sixth grade. As a result, most issuing officers in such States accept school records as sole evidence of educational fitness for work and give no examinations. Even in these States, however, where examinations have been given they have demonstrated the great need for some method independent of school records of determining educational attainments, for not a few cases have been found in which children whose school records showed completion of the fourth, the fifth, or even the sixth grade were unable to pass an examination adapted approximately to third-grade pupils. In one city some children whose school records showed completion of the eighth grade have failed to pass a simple literacy test.

Another difficulty in securing fulfillment of uniform minimum requirements by means of an examination is that in many States the issuing officer certifies to educational attainments in certain subjects only—frequently merely reading and writing, though sometimes also spelling or arithmetic, or both. Some of these States have no standard for subjects not covered by the issuing officer's certification, but in those which have standards in other subjects the school record constitutes sole evidence of its fulfillment.

In spite of these difficulties, the examination which may be given by the issuing officer wherever he is either alone or jointly with the child's principal or teacher responsible for fulfillment of the requirements is in many places an effective aid in preventing children from going to work without the minimum amount of education. These examinations may be given, not only where the issuing officer

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<sup>2</sup> See also p. 30.



must certify to the child's educational attainments, either in addition to or in lieu of such a certification in the form of a school record from the child's principal or teacher, but also where the issuing officer must "approve" such a record or for any other reason has administrative discretion over its acceptance,<sup>3</sup> and where he may waive the requirement that a record be presented.<sup>4</sup> Where the law does not absolutely require a school record or where this requirement may be waived, examinations at the issuing office are sometimes used in lieu of such records for all children who apply during school vacations.<sup>5</sup>

Few State laws require that such examinations be given; and the practice as to giving them and their character when given vary widely, not only under similar laws in different States but under the same law in a single State. In some issuing offices such examinations are given to all applicants, regardless of their school records. In most offices, however, where the issuing officer's certification is in addition to a school record, and probably in the majority of those where no school record is required or this requirement is waived,<sup>6</sup> the issuing officer in practice accepts, in lieu of an examination, the evidence of a school record showing completion of a certain grade. In some places the grade completion of which the issuing officer requires shall be proved by the school record is the same, or represents practically the same standard, as the educational requirement to which the issuing officer certifies. But frequently, where the issuing officer must certify to general educational attainments, such as ability to read and write simple sentences in English or to perform certain operations in arithmetic, he exempts a child from examination only if the school record shows completion of a grade which represents work slightly or even decidedly more advanced than the educational attainments required for an employment certificate. All other children are obliged to pass an educational test. Under such a system, of course, comparatively few children whose education is actually below the minimum requirements of the law can obtain employment certificates because of the low standards of the schools from which they come or the slack methods of their principals or teachers in issuing school records. Furthermore, such a system serves to make it more difficult for teachers to help children secure employment certificates by advancing them in grade.<sup>7</sup>

Many issuing officers who must certify to the fulfillment of educational requirements refuse to accept school records from certain

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<sup>3</sup> See pp. 30, 98.

<sup>4</sup> See p. 105.

<sup>5</sup> See p. 100.

<sup>6</sup> See p. 105.

<sup>7</sup> See p. 108.

schools, and require all children from those schools to take examinations. Some of them accept only school records from the public schools of the city where the child applies for a certificate; some accept also records from public schools in other cities or in other States; others accept records from any approved school, including parochial and private; and still others accept records from private or parochial schools only if they show completion of a higher grade than is required for public-school records.

Children who have attended school only in a foreign country, if not excluded from employment by an attendance<sup>8</sup> or "equivalent course of instruction"<sup>9</sup> requirement, are usually obliged to take an examination. In States which have no grade or attendance requirements, indeed, immigrant children who have never been in school in this country but can prove their literacy in English—or in some States in any language—and have attained whatever proficiency in other subjects may be required, are granted employment certificates.

Where examinations are given by issuing officers their character varies widely. In a State which requires ability to read and write simple sentences in English, for example, some issuing officers judge a child primarily by his answers to questions and give an examination only if he appears illiterate or speaks poor English. Others require the child to write his name and address, or these and his employer's name, or to fill in an application for an employment certificate or some other form, and refuse as illiterate any child who is unable to do this. Where actual tests are given, moreover, wide differences are found in the interpretation of "simple sentences." Some issuing officers use as a standard a third-grade reader, while others use a fourth- or fifth-grade reader. In more than one State a test has been used which could without difficulty be passed by children who had completed the first grade. Furthermore, some issuing officers give a test only in reading and others only in writing. Sometimes the issuing officer uses the opportunity to impress legal obligations upon the child's mind by requiring him to write such a sentence as "If I change work I must get a new permit." Where spelling is also required a child's ability to spell is often tested only if his ability to read and write appears doubtful. Arithmetic tests are as a rule more standardized, and sometimes a child's ability to pass such a test is considered proof of his ability also to read and write. In order to prevent failures due merely to nervousness in the unfamiliar surroundings of the certificate office, children who can not read or write one passage are usually allowed to try another, and an indefinite time is usually allowed for an arithmetic test.

<sup>8</sup> See p. 119.

<sup>9</sup> See p. 111.

In many places the examinations given are obviously inadequate to prove fulfillment of the requirements of the law. Not only are the tests given often too easy, but frequently they do not cover all the subjects in which the law requires a certain degree of proficiency. Where a child is tested only in arithmetic though he is supposed to show literacy in English, and especially where he is tested only in two or three subjects of a grade though he is supposed to show completion of that grade, special coaching in arithmetic or in the particular subjects covered by the certificate-office examination may enable a child who has not actually fulfilled the requirements of the law to obtain a certificate. Not infrequently children are able to secure such coaching from their regular teachers.

In some of the larger cities of a number of States, indeed, special classes have been found in which the instruction was confined to the subjects in which children were obliged to show proficiency before they could obtain employment certificates.<sup>10</sup> In States where the educational requirements were confined to certain subjects only those subjects, and in States where children were required to have completed a certain grade only the "essential" subjects of that grade, were taught in these special classes. Sometimes any child who wished to go to work was admitted to such a class and sometimes only children whose home conditions were found on investigation to necessitate their going to work as soon as possible. In other cities ungraded or rapid-advancement classes, established primarily for immigrant children, serve substantially the same purpose as these special employment-certificate classes. As a rule children who have completed the work of one of these classes are able to meet the minimum legal requirements for an employment certificate, but their education is so near the margin that where tests are not given at the issuing office in all subjects included in the legal standard some children may secure employment certificates who would be unable to do so if tested in all the subjects required.

In this connection it should be remembered that fulfillment of the educational requirements for an employment certificate, once established, is rarely or never questioned later. Yet many children, no doubt, who are barely able to pass the test given when they first go to work could not pass the same test a year later. In at least one city in a State where children over 16 years of age are required to hold educational certificates and attend evening school if illiterate in English,<sup>11</sup> it was found that children who had brought school records showing literacy from bilingual schools were required to submit to a literacy test when they became 16 and exchanged their employment for educational certificates and, if they could not pass this test, were

<sup>10</sup> See p. 108.

<sup>11</sup> See pp. 128-129.



obliged to go to evening school. Even in that State, however, it was usually assumed that since all children were pronounced literate when they secured their employment certificates they must still be literate when they exchanged their employment for educational certificates.

Examinations to prove fulfillment of educational requirements are usually given by the certificate-issuing officer, but in at least one State the law provides that special persons may be appointed to give them.<sup>12</sup> One important purpose in taking this work out of the hands of the issuing officer is to have the examinations given by persons who are qualified to make psychological tests with a view to determining mental deficiency.<sup>13</sup> Agents of the Children's Bureau found that where such an examiner had been appointed, all children whose school records were considered unsatisfactory for any reason were usually referred to him and he gave a regular examination adapted to the grade which the child was supposed to have completed, making psychological tests only of children who he had reason to believe were mentally defective. In one city it was found, however, that the special examiner gave neither grade examinations nor mental tests but considered it his sole function to determine, not whether a child had attained the legal educational standard or was mentally defective, but whether the circumstances of the child's family were such as to warrant the waiving of the educational requirements.<sup>14</sup> Unless a special examiner is qualified to give either mental tests or more thorough and uniform examinations than the issuing officer there seems no reason for the appointment of such an additional official. Wherever any psychological clinic exists the occasional child who is believed to be mentally deficient could be referred to it, and for the examination of all other children issuing officers of the ability and character needed for their other duties<sup>15</sup> should be competent.

Whether examinations to show fulfillment of the educational requirements are given by issuing officers or by special examiners, the only way in which they can be made to fulfill their purpose throughout a State is by providing that some State agency shall determine their character, supervise the method of giving them, and establish definite rules as to the acceptance of school records in lieu of examination. Where each issuing officer decides these points for himself some officers are sure to give examinations which are not adequate to prove fulfillment of the requirements, while others, in lieu of any examination, will accept school records of doubtful value. In a few States the educational test to be given by all issuing officers is

<sup>12</sup> See p. 136.

<sup>13</sup> See p. 98. For a discussion of the issuing of employment certificates to mentally defective children, see pp. 120-123.

<sup>14</sup> See pp. 45-46, 97.

<sup>15</sup> See pp. 19-20.

prepared and furnished by a State agency.<sup>16</sup> But in at least one of these States, where the State board of education provides printed tests with suggestions for their use, issuing officers may use these tests or not at their own option. In most States lack of supervision over special examinations for employment certificates leads, in many communities at least, to the failure of these tests to bring about uniform fulfillment of minimum educational requirements. Without any system of State supervision it is not to be expected, indeed, that issuing officers in different parts of a State will follow the same interpretation of the law and exercise uniformly their power to insure that all children who go to work, regardless of the school from which they came, have the minimum educational equipment required by the child labor law.

### Attendance requirements.

Except for the provision that mentally defective children who have attended school for a specified period may be granted certificates regardless of the grade they have attained, a point which will be considered later,<sup>17</sup> the usual attendance requirement for an employment certificate<sup>18</sup> is that a child shall have been in school for a certain number of days, in many States 130 days, during the year previous to his application for a school record or for an employment certificate or previous to his fourteenth birthday, or since his thirteenth or fourteenth birthday. The main purpose of this provision is to aid in the enforcement of the compulsory school attendance law by imposing a special penalty, in the form of refusal of an employment certificate, upon any child who becomes irregular in his attendance when he is approaching working age—a period when children are especially likely to leave school for trivial reasons, because they have completed the grammar-school course or the work of a required grade or merely because of general restlessness.

In some States this requirement is designed also to reenforce the educational standard for employment. These States provide that, during the period of required attendance, the child must have received instruction in certain definite subjects; as, for example, reading, writing, spelling, English grammar, geography, and arithmetic. Usually it is at least implied, if not definitely stated, that the instruction must have been given in the English language.<sup>19</sup>

Unfortunately, the attendance requirement for an employment certificate is not always so worded as to insure its maximum effectiveness in securing school attendance. If the attendance must have been during the year previous to the child's application for an em-

<sup>16</sup> See p. 38.

<sup>17</sup> See pp. 120-123.

<sup>18</sup> See p. 98.

<sup>19</sup> See also p. 109.

ployment certificate he is obliged to stay in school practically up to the date when he applies for a certificate. But if it must or may have been for any other period this is not the case. For example, if the attendance must have been during the year previous to the issue of the school record a child may secure his school record and then remain out of school until he gets ready to go to work. Similarly if it must have been either before he became 14 or since he became 13 years of age a child who applies for an employment certificate at 15, for example, may have been out of school for a year. In some cities an attendance requirement applying to the year previous to obtaining a school record is interpreted to mean that a child must apply for an employment certificate as soon as he has secured his school record; and in other cities, where a child's name is not dropped from the school register until the issuing officer reports that he has received a certificate, truant officers follow up any child who fails to attend between the date of receiving a school record and the date of the issuing officer's report.<sup>20</sup> But in many cities it is not considered worth while to attempt to keep children in school who have secured school records with a view to applying for employment certificates. In fact, therefore, even in States which have an attendance requirement for an employment certificate, many children leave school long before going to work.

In States, of course, in which the compulsory school-attendance age ends where the certificate age begins, usually at 14, a child cannot be kept in school until he goes to work unless he secures a position immediately on becoming of certificate age, and therefore a certificate requirement that he must have attended school for 130 days during the year preceding his fourteenth birthday is all that can be of use.<sup>21</sup> But in all States where a child of certificate age can be kept in school until he goes to work, only a requirement that the school attendance shall have been during the year preceding the child's application for an employment certificate can make as effective as it should be this valuable method of enforcing the law. Under the other common types of attendance requirement, maximum effectiveness in enforcing school attendance is lost and nothing is gained except a saving of hardship to children in certain special cases. The chief, if not the only, special case in which such saving of hardship might seem to be justified arises when a child applies for an employment certificate who has been at work for some time in another State on a certificate for which he has met all the legal requirements of that State and who in all other respects, such as literacy and grade, has attained the educational standard of the State where he is applying. In at least one State a provision that the requirement

<sup>20</sup> See p. 192.

<sup>21</sup> See p. 178.



of a school record may be waived usually prevents hardship in such cases.<sup>22</sup> But unfortunately this provision that the school record, and with it the attendance requirement, may be waived is also used to assist other children, usually grammar-school graduates who have failed to go on to high school as required by law, to secure employment certificates.

In spite of weaknesses, however, a requirement that a child must have attended school regularly during any year in order to be eligible for an employment certificate may be made a distinct aid in enforcing school attendance. Even where, as in some cities, it is used merely to compel certain children whose school records show irregular attendance or long periods of unnecessary absence to make up the school time lost,<sup>23</sup> such a requirement is calculated to secure the regular attendance of many restless children who are approaching certificate age. Where rigidly enforced it becomes sometimes the principal and often one of the most common causes of refusal of certificates.

Nevertheless, some issuing officers pay little or no attention to whatever attendance requirement the law imposes. In some cities it has been found that school principals do not report the amount of school attendance exactly as required by law, or in a uniform manner. For example, some principals give the attendance for the year during which the particular grade requirement was fulfilled, regardless of how long the child may have been out of school since that date, instead of for the year preceding the date of the child's application for a school record or for an employment certificate, as the law may require.

Where a minimum period of school attendance is a requirement for securing an employment certificate it is frequently necessary to secure records of attendance from two or more different schools, and in this case, as already noted,<sup>24</sup> the responsibility for securing fulfillment of the requirement naturally rests upon the issuing officer, except in cities where the superintendent issues school records and has in his office duplicate report cards showing the attendance of all children, or at least of all public-school children, in the city. Even in these cities children who during part of the specified period have attended school in some other city must secure records from more than one source, and the issuing officer is responsible for seeing that the total school attendance is sufficient to meet the requirements. Furthermore, in States where the law requires that during the specified period the child must have received instruc-

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<sup>22</sup> See p. 105.

<sup>23</sup> See p. 136.

<sup>24</sup> See pp. 98-99, 104.

tion in certain subjects<sup>25</sup> the issuing officer is responsible for seeing that the school records show such instruction.

Except where instruction must have been received in certain subjects during the period of attendance, school records from any State or from a foreign country are usually accepted as proof of partial or complete fulfillment of the attendance requirement. School records which are not considered acceptable as proving completion of any grade<sup>26</sup> are frequently demanded and accepted as proof of partial fulfillment of an attendance requirement. But where the law prescribes that the child shall have received instruction in certain definite subjects in the English language many issuing officers interpret this provision to mean that the instruction must have been in this country.

### **Mentally defective children.**

The educational standards of most States are so low that, in places where a compulsory school attendance law is reasonably well enforced, they can be met by almost all applicants for certificates except foreign-born children who have not been long in this country. Even mentally defective children over 14 years of age frequently, and in some States usually, are able to meet the low requirements for an employment certificate. A few States, however, have raised their educational standards until they can not be met by a considerable number of backward and subnormal children. In these States, except where special provision has been made for them, mentally defective children can not go to work, and are usually obliged to stay in school, until they are past certificate age.

Special provisions which permit mentally defective children to go to work are found, however, in the laws of a number of States, and in some cities in other States the issuing officers in practice give these children certificates under certain conditions. The law of at least one State provides that children who are pronounced mentally defective by a special examiner,<sup>27</sup> or who are so certified after "proper tests" by the superintendent of schools, and whose school records show them to be below normal, may be granted certificates without having attained the usual educational qualifications. The most common provision for these children is the alternative educational requirement already mentioned<sup>28</sup> of a certain number of years—in at least one State nine—of school attendance, evidence of which must usually be accompanied by a certificate from the child's principal or teacher, or sometimes from the local superintendent, that, in his opinion, the child is incapable of attaining the required educational

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<sup>25</sup> See pp. 105, 117.

<sup>26</sup> See p. 111.

<sup>27</sup> See p. 116.

<sup>28</sup> See p. 98.

standard. Where fulfillment of such an attendance requirement must be proved, the child must often, of course, as in the case of proving the number of days' or weeks' attendance during a specified year, produce reports of attendance from two or more schools.<sup>29</sup> In a few States the requirement of a specified number of years of attendance at school is omitted, and only a certificate of mental incapacity from the school authorities is required. But in at least two such States a certificate can be granted a mentally defective child only by the State agency which supervises the issuing of employment certificates.<sup>30</sup>

Where the law provides for special examinations to determine mental defect such examinations should, of course, be given by qualified persons. Such persons are not always available, however, especially in small places; and sometimes persons without any special qualifications have been appointed special examiners—for example, probate judges. As a result the tests given are not always adapted to show mental deficiency but may result merely in lowering the educational standards for employment until almost any child who is retarded in school may go to work, whether or not he is mentally defective. In some places it has been found that special examiners have even assumed the functions of issuing officers and issued "papers" to children purporting to authorize their employment and that these "papers" have been accepted by employers in lieu of legally issued employment certificates.

Such a lowering of educational standards is even more likely to occur where only a teacher's or principal's statement of opinion is required to prove a child entitled to a certificate on the ground of mental defect. The school officials who thus pass judgment on a child's abilities have, as a rule, no sound basis upon which to decide any individual case and no common standards as to what constitutes mental deficiency. They might, of course, require a psychological test before signing such a statement of opinion, but in practice do so rarely, if ever. Under this method of exempting children from the educational standard, even in States which have also an attendance requirement,<sup>31</sup> most issuing officers, doubtless, sometimes issue certificates to children who are merely retarded and not mentally defective. In some places, however, it was found that issuing officers, acting under general power to refuse a certificate if they believed such refusal to be in the child's best interest,<sup>32</sup> did not issue certificates to any children who had not fulfilled the regular grade requirements.

<sup>29</sup> See p. 119.

<sup>30</sup> See p. 32 et seq. See also pp. 122-123.

<sup>31</sup> See pp. 98, 120-121.

<sup>32</sup> See p. 30.



Actual mental deficiency is in practice rarely determined except in certain cities in which special classes for mentally defective children are maintained and all applicants for employment certificates who are suspected of subnormality are sent for examination to the psychological expert who selects the children for these classes. In one such city it was found that applicants for employment certificates who could not meet the educational requirements and who had not been enrolled in a special class for mental defectives, and also all who, though enrolled in such a class, had not been tested within three years, were given a psychological test. Before being given this test, however, such a child was required to go through the same procedure as if he were a candidate for admission to a class for mental defectives; he had to obtain his teacher's and principal's certification to certain facts as to his record and behavior in school, to secure a detailed statement from the school medical inspector as to his physical condition, and to obtain the signature of a school nurse to a statement of the results of a thorough investigation made by her into his home conditions and personal and family history. If the results of the psychological test, given after these reports were received from the child's teacher, the principal of his school, the medical inspector, and the school nurse, and countersigned by the director of school medical inspection and an assistant superintendent of schools, showed that the child was mentally under 11 years of age, the psychological expert sent a letter to the issuing officer giving the child's mental age and stating whether, in her opinion, the child should be permitted to go to work. In the case of girls who appeared morally weak she recommended that the certificate be refused. If, however, the child's mental age was found to be 11 years or over she recommended that he return to school, specifying the kind of school work which seemed best adapted to his needs. The issuing officer granted certificates to such children only on the recommendation of the psychological expert.

Once having obtained an employment certificate a mentally defective child is usually given no more supervision than a normal child. In some places, however, the certificate given such a child is merely temporary<sup>33</sup> and at its expiration, if the child does not come back to the issuing office to report and arrange for its renewal, the case is investigated. A few issuing officers attempt to secure reports from the employers of such children, and even to lay down certain regulations as to the conditions under which they may work. In at least one city the juvenile protective association cooperates in finding suit-

<sup>33</sup> See pp. 148-150.

ble employment for and in supervising mentally defective children, and such a child is allowed to work only for an employer who knows his mental condition and is willing to agree to certain conditions, such as that the child shall be associated only with his (or her) own sex and shall not work with, or sometimes even near, machinery. One State, moreover, has recently enacted a law giving the State board which has supervision over the issuing of employment certificates authority to exercise "vocational supervision" over mentally defective children who have been granted employment certificates until they are 18 years of age.

If mentally defective children are to be granted employment certificates without breaking down the educational standards for normal children some reasonably simple and efficient method, adapted for use in any community, should certainly be devised to ascertain the existence of mental defect. That these children should be given from some source a greater amount of supervision than normal children also seems obvious. The desirability, however, of allowing young children to go to work who, because of subnormal intellects, have made so little progress in their school studies as to be unable to meet the usual educational standards for employment certificates is at least open to serious question. Even more than their normal brothers and sisters these children need special training for industrial life, and it would undoubtedly be far better for them if the schools, instead of giving up the task of providing them with any education merely because their minds are not adapted to the usual curriculum, made special provision for their training in subjects which they are capable of grasping.

## METHODS OF ISSUING CERTIFICATES.

The methods of issuing employment certificates should, of course be adapted to secure fulfillment of all the requirements for certificates, including the minimum age and the physical and educational standards. At the same time they should be adapted, so far as feasible, to prevent the possibility of violations of any other standards for the employment of children, whether found in the child labor or in the compulsory school attendance law. The methods of proving fulfillment of the various requirements have already been sufficiently discussed. These requirements differ not only as between States but also as between different kinds of certificates adapted to meet special age or other standards for employment at certain times or in certain places. Before taking up the procedure of issuing certificates it is necessary, therefore, to consider the various kinds of certificates and the purposes which they serve.

Whatever the type of certificate issued, however, issuing officer should always be provided, as already noted,<sup>34</sup> with whatever assistance they may need in their work. In order to save the time of the issuing officer most offices in the larger cities employ one or more clerks whose chief function it is to interview applicants when they first appear and to instruct them as to the steps they must take to secure certificates. The preliminary interviewing of applicants by clerks is also common in smaller places where the issuing officer has other duties.<sup>35</sup>

Wherever an interviewing clerk is used merely for preliminary and subordinate work, such an assistant effects a legitimate and often essential saving of time for the issuing officer. In some offices for example, such a clerk not only instructs children as to the requirements and how to secure the necessary documents,<sup>36</sup> but directs them from one room to another within the certificate office—for example, to the room where they are to have their physical examinations<sup>37</sup> and to the room where they are to be registered in continuation school.<sup>38</sup> In many offices, too, an interviewing clerk gives the applicant the blank forms which he must have filled out<sup>39</sup> and sees, when he returns

<sup>34</sup> See pp. 25-26.

<sup>35</sup> For a discussion of delegation of authority to issue certificates, see pp. 26-28.

<sup>36</sup> See pp. 130-133.

<sup>37</sup> See p. 77. See also footnote 59 on p. 169.

<sup>38</sup> See pp. 138-139, 145.

<sup>39</sup> See pp. 134-136.



not only that he has all the necessary documents but that they are properly made out, at least in form. He sees, for example, that the promise of employment gives whatever information is required as to the occupation and the hours of labor, and that the school record shows fulfillment of all the educational requirements. In short, without passing finally upon the validity of any evidence or assuming the function of certificate issuance,<sup>40</sup> one or more clerks—the number needed depending on the number of applicants to be interviewed—can insure that, when a child appears before the issuing officer, he has evidence which, if acceptable to that officer, will make possible the prompt granting of a certificate.

Another important way in which clerical assistance can be used to save the time of the issuing officer is to have all possible records and reports<sup>41</sup> made out by subordinates. In the larger cities the issuing officer is often responsible only for the system which insures the promptness and accuracy of such records and reports and for general supervision over its operations.

The methods of issuing certificates will differ, of course, not only with the kind of certificate and the amount of assistance utilized in its issuance but also with other matters affecting the organization of the issuing office. In cities, for example, where the superintendent of schools issues both certificates and school records<sup>42</sup> the applicant does not have to be sent to another office to secure his school record. Similarly in cities where the office of the examining physician is part of the issuing office<sup>43</sup> the child does not have to be sent elsewhere for a physical examination. In the larger cities, moreover, where continuation-school attendance is required, a clerk from that school may be stationed in the issuing office to register all children who are granted certificates.<sup>44</sup> These differences, though they affect the simplicity and length of the procedure and in some cases may determine the order in which evidence of fulfillment of requirements is demanded, do not change the steps which must be taken before a certificate is issued.

If applicants are to be dealt with in a dignified, orderly way, and are to be made to feel the importance of the step they are taking, it is essential that issuing officers be provided, not only with all necessary assistance, but with suitable offices and equipment. The number of rooms needed and their size will depend upon the average number of applicants to be interviewed and upon the number of other functions, such as the physical examination of applicants and their registration in continuation school, to be carried on in the same office.

<sup>40</sup> See pp. 26-28.

<sup>41</sup> See pp. 164-175.

<sup>42</sup> See pp. 20, 22, 99-100.

<sup>43</sup> See p. 77.

<sup>44</sup> See pp. 139, 145.

But whatever the amount of space devoted to it, the issuance of certificates should be carried on in a suitable and reasonably dignified environment. At the same time the issuing office should be in a fair, central location—in the larger cities, at least, preferably in or near the business district where many of the children are employed—and should be open at convenient hours. In many cities in States where a child must secure a new certificate whenever he changes his position it has been found desirable to have evening office hours on certain days of the week. The amount and character of equipment needed—like the number of rooms and their size, will depend upon the number of applicants, but in all cases issuing officers should be provided with filing devices suited to and sufficient for the records which they are supposed to keep.<sup>45</sup>

#### KINDS OF EMPLOYMENT CERTIFICATES.<sup>46</sup>

To assist in the enforcement of special standards various other kinds of certificates are often required in addition to permits for regular employment. Sometimes these certificates are designed to meet the requirements of special age or other standards for employment during school vacations or outside school hours.<sup>47</sup> Sometimes, on the other hand, they are designed to assist in the enforcement of some standard which applies to an older group of children than that to which most of the child-labor regulations relate.<sup>48</sup> Furthermore, in many States a new certificate is required for work in each new position in which a child is employed, because the standards require that he must show physical fitness for the particular work in which he expects to engage or that he must return to school when unemployed or both. Special certificates designed to enforce standards are usually provided for by law.

Other kinds of certificates are those designed to meet some special administrative need. For example, a temporary certificate may be issued in case a child who appears to be of the age claimed is obliged to send abroad for a birth certificate, or in case a child is required to have some minor physical defect corrected—for example, to have his teeth filled.<sup>49</sup> With these administrative certificates should be classed the so-called vacation and after-school certificates which are sometimes issued to children in States where the standards are exactly the same for vacation and after-school as for regular work, and which are merely regular employment certificates limited in their application to the vacation period or to the hours before and after

<sup>45</sup> See pp. 164-171.

<sup>46</sup> For certificates merely exempting children from school attendance see pp. 177-178, 190-191.

<sup>47</sup> See pp. 11-13, 128-129.

<sup>48</sup> Including requirements for subsequent certificates. See pp. 14, 83-84, 88-90, 128-130, 143-148, 157-158.

<sup>49</sup> See pp. 70, 86, 148-150. See also p. 122.

school. Still another administrative need is met by duplicates issued to replace certificates which have been lost.<sup>50</sup> In many States a very important problem in administration is met by so-called "statements of age" or "over-age" certificates issued to children who are beyond the age when employment certificates are required by law and yet are so young in appearance that their ages might be questioned by an inspector.<sup>51</sup> These special administrative certificates frequently are not provided for in the law, but are merely devices designed, either by the State supervising agency or by local issuing officers, to assist in its enforcement.

Vacation certificates may be designed to meet a lower age standard or different educational or physical requirements for employment during school vacations than at other times. For example, where children may be permitted to work at 12 during vacations but at other times not until they are 14,<sup>52</sup> certificates good only for employment during the vacation are usually issued to children from 12 to 14 years of age.

Another type of vacation certificate is found in States which have the same minimum age for employment at all times, but permit children to work during vacation periods, when they would not in any event be in school, who have not yet fulfilled the educational requirements for a regular employment certificate. For this certificate all the requirements, except the educational, are usually the same as for a regular certificate. However, the States which provide for a special vacation certificate for younger children usually issue the same certificate to the older children for vacation work, and in some of these States, as well as in some of those where the minimum age is the same for employment at all times, practically the only requirement for a vacation certificate is evidence of age.

In most States in which vacation certificates are provided for, they are issued only for work during the long summer vacation; in a few States they are also issued for work during the Christmas and Easter holidays. Sometimes they are issued only during the vacation periods of the public schools, and sometimes only during the vacation periods of whatever school the particular child happens to be attending. The laws are usually so loosely worded on these points that the decision as to exactly what constitutes a vacation is left to the administrative officers.

For employment before and after school hours and on Saturdays during the months when school is in session, in many States children are given either vacation or some other kind of special certificates for which the standards, especially the educational standard, are lower than for regular certificates. In some States, however, children who

<sup>50</sup> See pp. 152-153.

<sup>51</sup> See pp. 153-155, 215-216.

<sup>52</sup> See p. 10.



wish to engage in work at such times are required to meet all the standards for regular employment certificates.

Children who are below the minimum age for regular employment are sometimes, as already stated,<sup>53</sup> permitted to work only in certain occupations. When this is the case, vacation certificates and all other special certificates for employment outside school hours issued to these children are not good in all occupations and establishments. Sometimes, even when issued to children who are over the minimum age limit for regular employment, these certificates are good only for certain kinds of employment, and for all other kinds regular certificates must be procured.

Special vacation and after-school certificates, like the exemptions to which they correspond,<sup>54</sup> increase the difficulties of enforcement of a child labor law. Confusion results, moreover, when, as in a number of States, two or more kinds of special certificates are provided—for example, when one kind of certificate authorizes employment during vacation and another authorizes employment before or after school hours, each requiring different qualifications and each applicable to a different list of occupations and establishments.

On the other hand, a certificate designed to assist in the enforcement of some standard for the employment of children older than the regular certificate group<sup>54</sup> usually adds comparatively little to the complexity of the certificate system. As already stated,<sup>56</sup> some form of certificate should furnish the basis for the enforcement of standards applicable to minors of any age. Often, however, the educational and physical requirements do not extend to so advanced an age as do the limitations on hours of labor or the requirement of evening-school attendance by illiterates.<sup>57</sup> In that case it is convenient to have a different kind of certificate for the older children, such as, for example, the educational certificate required in one State for all minors over 16 employed in most of the important industries. The plan of educational certificates for children from 16 to 21 years of age<sup>58</sup> is of distinct value, not only in enforcing

<sup>53</sup> See p. 10.

<sup>54</sup> See p. 11.

<sup>56</sup> See p. 16.

<sup>57</sup> See pp. 12-14.

<sup>58</sup> This type of certificate is so rare that no special discussion is here given of the methods of issuing it. In Massachusetts, the requirements for an educational certificate are evidence of age and an examination at the issuing office to determine whether the applicant can read, write, and spell in the English language. If he passes this examination he is given an orange-colored certificate and nothing further is required except that he secure a new certificate for each new employer until he is 21 years of age. But if he fails to pass this examination he is given a gray certificate and must attend evening school until he is 21 or has acquired sufficient proficiency in English to pass the test. In some cities the issuing officers require certain holders of orange certificates, who are suspected of having forgotten their English, to be reexamined when they apply for new certificates because of changes in positions and, if they fail to pass, give them only gray certificates for the new positions and require them to attend evening school. Because of the omission of the words "permitted to work in, about, or in connection with," educational certificates are not required for all the kinds of employment for which the younger children must procure employment certificates. See also pp. 115-116.

evening-school attendance of illiterate minors but also in furnishing evidence of age which, in the establishments to which it applies, assists inspectors in enforcing age limits for employment in dangerous occupations and for employment during long hours or at night work.<sup>59</sup>

In some States only one regular certificate is issued to each child and this certificate is regarded as his property and is taken by him from one employer to another whenever he changes his position. In such States the law usually provides not only that the employer must return the certificate to the child on demand but that he must return it to the issuing office if the child does not claim it within a specified period after leaving his employment.<sup>60</sup> Under such a law, however, it is practically impossible to prevent certificates from being passed on, or even sold, to children who could not themselves produce the requisite documents to secure permission to work.<sup>61</sup> Furthermore, though in most of these States unemployed children are by law required to attend school, the enforcement of this standard is utterly impossible, since no public authority knows when the children are unemployed.<sup>62</sup> In such States children frequently secure employment certificates merely to make it possible to remain out of school; even when a promise of employment is required for the first position the child may work in the promised position only a few days or a few hours—or sometimes not at all—and may thereafter be idle on the authority of an employment certificate.

Most of the laws recently enacted, however, provide that a certificate shall be good only in the hands of the particular employer to whom it is issued and that a new one must be secured when the child changes employers, and sometimes even when he changes occupations. In some States, too, a provision that the child shall be declared physically fit for the particular occupation in which he is to engage or that he shall present a promise of employment before he can secure a certificate is interpreted to necessitate a different certificate for each individual employer, and consequently for each new position.<sup>63</sup>

Although the main purpose of provisions requiring a new certificate for each new employer is to make it possible to enforce the school attendance of unemployed children,<sup>64</sup> another important purpose is to make it possible to enforce a requirement that children shall be physically fit for the particular occupations in which they intend to en-

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<sup>59</sup> See pp. 217-218.

<sup>60</sup> See pp. 159-160.

<sup>61</sup> See pp. 211, 214-215.

<sup>62</sup> See pp. 157-158.

<sup>63</sup> See pp. 49-50, 83-84.

<sup>64</sup> See pp. 155-164, 193-195.

gage.<sup>65</sup> The usual type of provision, however, under which the certificate is valid for any type of work not actually forbidden for a child of the specific age so long as the child remains with the employer designated, is not calculated to give the requisite assistance in the enforcement of a physical standard which is dependent upon the occupation. A few States, therefore, provide that a certificate shall be good only for the specified occupation, which means that when ever an employer changes a child's occupation, even inside the same establishment, the child shall secure a new certificate. This provision, though difficult to enforce,<sup>66</sup> especially since the employer is not usually required by law to return the certificate or to notify the issuing office in any way when he changes a child's occupation, furnishes a type of certification under which it is at least theoretically possible to enforce a requirement that children shall be physically fit for their specific occupations.

In States in which each certificate bears the name of the individual employer, whether it is good in that employer's hands for any occupation or only for the one designated, not only are new certificates required for later employers, but the certificate itself differs in character from one which is issued to a child for employment in any occupation or establishment. While the latter certificate is regarded as the property of the child the former is usually regarded as the property of the employer, who becomes directly responsible to the issuing authority for its receipt and return, and for whatever notices or reports may be required in connection with its use.<sup>67</sup>

Still another characteristic of systems under which an employment certificate is good only in the hands of the employer to whom it is made out is that if a child works for more than one employer at a time he must have a different certificate for each employer. This requirement assists in the enforcement of the provisions relating to hours of labor, for it gives the issuing office, and through that office the factory inspection department,<sup>68</sup> information not possessed by either employer and not obtainable at either place of employment as to the child's work and the inspections needed to prevent his employment for too long hours. In such cases, issuing officers sometimes enter on the second certificate a statement to the effect that a previous certificate has been issued and that the total number of hours of labor in the two positions must not exceed the hours permitted by law.

### INSTRUCTION OF CHILDREN.

Whatever the kind of certificate applied for, the procedure is simplified and unnecessary delays are saved if each child is given

<sup>65</sup> See pp. 83-84, 88-90.

<sup>66</sup> See pp. 89-90, 145, 217-218.

<sup>67</sup> See pp. 158-162, 201-202, 213-214.

<sup>68</sup> See pp. 171, 211.



when he first comes to the issuing office, or better when he obtains his school record if he applies for such a record before going to the issuing office,<sup>69</sup> complete and clear instructions as to the documents he must secure and the other steps he must take before the certificate will be issued. Such instructions are especially needed by applicants for first certificates, but children who have already held a certificate for vacation work, for example, need to be told how to secure a regular certificate, and even children who have held a regular certificate usually need special instruction as to the procedure of securing another for a new employer.

Oral instructions at least are given by most, but not by all, issuing officers. Moreover, children are often told by their teachers or the principals of their schools how they can secure certificates. In some schools from which many children go to work entire classes are sometimes told, at the close of the school year, at least where and when they can secure this information. In most schools, however, only applicants for school records are told how they can secure employment certificates. If school authorities are to give such oral instruction they should, of course, understand thoroughly not only all the requirements of the law, but also the exact procedure approved by the issuing office.

In some cities children who are applying for first certificates are obliged to visit the issuing office many times and are unnecessarily delayed many days because of inadequate, unintelligent, or incorrect instructions,<sup>70</sup> especially in regard to securing evidence of age. In some issuing offices, for example, the child is merely told to apply for a birth certificate and, if he can not secure one, must go back to the issuing office to find out what to do next. Sometimes, indeed, he must return there after each step of his efforts to secure the best available evidence of age.<sup>71</sup> Complete instructions are sometimes objected to on the ground not only that the child will forget them but that he is more likely to bring preferred evidence if he is obliged to report upon the result of each separate effort to secure such evidence. The substitution of written or printed for oral instructions would do away, however, with the first objection, and the requirement that evidence must be presented of inability to secure each preferred document would make it unnecessary to cause the additional inconvenience, both to the child and to the issuing officer, of a separate report upon each step of the procedure.

Some States and certain cities in other States provide cards or leaflets containing more or less detailed instructions as to the steps

<sup>69</sup> See pp. 102-103, 132-133, 134-135.

<sup>70</sup> See pp. 135-136.

<sup>71</sup> For a discussion of the methods necessary to insure the production of the best available evidence of age, pp. 70-73.

necessary to meet the requirements for an employment certificate. Usually these are printed but in some cases they are mimeographed. Instructions are also frequently printed on forms used in the issuing of certificates; for example, on an application or a promise of employment blank.<sup>72</sup> In some offices, however, though printed instructions have been issued at some time they have not been kept up to date and changes in the law have made them obsolete. Where such instructions have been printed they are often designed to give the information needed by issuing officers and employers,<sup>73</sup> as well as that needed by children and parents. In at least one city a pamphlet which contains complete directions, especially as to the securing of birth certificates from foreign countries, not only has been distributed among school principals<sup>74</sup> but has been given to parents and children at the certificate office.

These instructions are usually made as simple as possible. The information needed as to securing evidence of fulfillment of the physical and educational requirements and as to the promise of employment and the parent's appearance can usually be given briefly and simply. For evidence of age, however, the larger the number of documents which can be accepted under the law the more complex the instructions required to meet all possible contingencies; and even the methods of securing birth or baptismal certificates under all possible circumstances are practically impossible to describe briefly. Usually, therefore, the instructions cover only the most common methods of securing evidence of age, leaving the details, at least, of the procedure necessary in unusual cases to be described orally to the children concerned.

These printed instructions are sometimes obtainable only at the issuing office, but sometimes they are also distributed to the schools where they are given to children who are granted school records to be used in applying for employment certificates. In at least one city instructions for securing certificates are distributed to the schools with the blank promise of employment certificate forms which must be filled out before school records are issued.<sup>75</sup> Sometimes they are distributed only to public schools and sometimes also to private and parochial schools.

In the larger cities and towns of each State, if not everywhere, printed instructions as to what a child should do and what documents he should obtain to secure an employment certificate should be given to all children who are granted school records to be used in connection with applications for such certificates. Copies of these

<sup>72</sup> See pp. 52-53, 133-134.

<sup>73</sup> See pp. 40-41, 201.

<sup>74</sup> See pp. 102-103, 130-131.

<sup>75</sup> See p. 103.

Instructions should also, of course, be available at the issuing office for children who have failed to secure them at their schools. Where children receive such instructions at their schools it is often possible for a child on his first appearance at the issuing office to present evidence of fulfillment of all the requirements and therefore to receive his certificate at once. Accurate and detailed instructions given to children at their schools are, indeed, the greatest possible aid in reducing unnecessary delay. Although such instructions should not be distributed promiscuously to school children for fear they will serve as suggestions, or even seem to be invitations, to go to work, there seems to be no good reason why a child who appears to be legally qualified to work should not secure through his own teacher or principal the basic information necessary to enable him to obtain an employment certificate with the least possible loss of time and effort and with the least possible trouble for the issuing officer.

### REGULAR ORIGINAL CERTIFICATES.

When a child first appears at a certificate-issuing office he is usually questioned as to his age, place of birth, the kind of evidence of age he can bring,<sup>76</sup> the school he is attending, and his grade.<sup>77</sup> Where a promise of employment<sup>78</sup> is required he is also asked whether he has such a promise; and where his parent must appear,<sup>79</sup> whether his parent is able and willing to do so. If it definitely appears from the child's answers to these questions that he is not entitled to an employment certificate he is told that he can not secure one and must return to school. In the more carefully conducted issuing offices, however, a record is made of the name and address at least of every applicant<sup>80</sup> regardless of whether there is any chance that he will be granted a certificate. In such offices, moreover, the interviewing clerk looks up the child's name in the files to ascertain whether he has ever applied before and been refused and, if so, the reason for the refusal.<sup>81</sup>

If it appears from the preliminary inquiry either possible or probable that the child may be legally entitled to an employment certificate, he is given whatever instructions<sup>82</sup> he may need as to the documents he must bring and other steps he must take to prove fulfillment of the requirements. These instructions will differ, of course, not only according to the law of the particular State, but also according to the evidence which he presents at this first appearance.

<sup>76</sup> See pp. 53-55 et seq.

<sup>77</sup> See p. 97 et seq.

<sup>78</sup> See pp. 49-53.

<sup>79</sup> See pp. 46-49.

<sup>80</sup> See pp. 168-169, 191-192.

<sup>81</sup> See p. 170.

<sup>82</sup> See pp. 130-133.



Sometimes a child brings with him on his first visit one or more of the requisite documents and is accompanied by one of his parents.

In many offices, even where the names of all applicants are taken the formal procedure of certificate issuance is not considered to be started until after the applicant has produced certain essential documents, usually either evidence of age or a promise of employment but sometimes a school record, and sometimes two or three of these documents. In some offices the first step must be the appearance of the parent, and in some the first step is the filling out of an application blank by either the child or the parent, or by both.<sup>83</sup>

The procedure varies according to whether the blank forms which must be filled out are kept in the issuing office or are distributed among the persons who must fill out and sign them. In the former case, of course, every child must make at least two trips to the issuing office regardless of where he receives his instructions.<sup>84</sup> As a rule, however, where the blanks are kept only at the issuing office this is done for the express purpose of compelling children to apply there for information, as well as for blank forms, in order to insure that they all shall be given uniform, complete, and accurate instructions, and also in order to give the issuing officer an opportunity to persuade them, before they have secured their school records or have applied for positions, to remain in school.<sup>85</sup> Children are in this way prevented, it is believed, from receiving the impression that they are released from school attendance before they have actually received their certificates.<sup>86</sup>

Where these forms can be secured only at the issuing office a child who may be able to prove fulfillment of the requirements is usually given on his first visit all the blank forms necessary. In at least one office, however, he is not given any forms until after he has presented satisfactory evidence of age, unless production of the latter document is necessarily delayed, as when a birth certificate must be obtained from some other city or country.<sup>87</sup> In some offices the child's name is entered on each form before it is given to him, and in some the name and office hours of the physician to whom the particular child must go are written on the blank certificate of health<sup>88</sup> or on an envelope in which it is put. Sometimes the child is told to have the documents filled out in a particular order.

In most places, however, some, if not all, of the blank forms needed to prove fulfillment of requirements are distributed among the persons who must fill out and sign them. School-record forms, for example,

<sup>83</sup> See also pp. 131-132.

<sup>84</sup> See pp. 132-133.

<sup>85</sup> See pp. 48-49.

<sup>86</sup> See p. 191 et seq.

<sup>87</sup> See pp. 70-72.

<sup>88</sup> See pp. 73-74 et seq., especially p. 96.

are usually distributed among the principals of public, and sometimes also of private and parochial schools.<sup>89</sup> In some places, indeed, where school records are acceptable only from local schools or such records from other schools do not have to be made out upon a specified form,<sup>90</sup> school-record blanks are not available at the issuing office. Promise of employment forms, as already noted,<sup>91</sup> are often, if not usually, distributed widely among employers, but such forms are also available at the issuing office. Sometimes promise of employment blanks can also be obtained at the schools, especially in cities where a child is required to bring a promise of employment before he is given a school record. The certificate of health form is obtained sometimes at the issuing office and sometimes directly from the physician.

Only where all blank forms which the child must have filled out elsewhere than at the issuing office, as well as instructions, can be obtained at the school or from the persons who are to fill them out, can a child obtain a certificate on his first visit to the issuing office. In such places a child who appears with his parent and all requisite documents may be given at once whatever tests must be made at the issuing office to prove fulfillment of either physical or educational requirements and may not have to make a second visit.

As a rule, children are obliged to make two or more trips to the issuing office and are delayed several days, or even weeks, in securing their certificates. In many cases such delays are due to inadequate or incorrect instructions,<sup>92</sup> and frequently they are due to failure to follow the instructions given. Sometimes, however, children are delayed because the persons who have filled out their forms have failed to enter, or have entered improperly, some of the facts required. If, for example, the school record does not show the required number of days' attendance,<sup>93</sup> the child must usually take it back to his principal to have the defect corrected. Sometimes when a child must return to the issuing office with additional or corrected documents, the papers which he has already produced are kept at that office until he returns. The more usual procedure is to require the child to keep whatever preliminary papers he has brought until he presents all the required documents. The parent is not, as a rule, required to appear more than once.<sup>94</sup>

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<sup>89</sup> See pp. 99-100. See also pp. 100-102.

<sup>90</sup> See pp. 104-105.

<sup>91</sup> See pp. 49-51, 52-53.

<sup>92</sup> See pp. 130-133.

<sup>93</sup> See pp. 98, 105, 117-120.

<sup>94</sup> In the issuing office of at least one city, where all blank forms must be obtained at that office, it is preferred that the parent come first alone in order to avoid taking the child out of school more than necessary, but in spite of this preference it was found that the children usually came with their parents. See pp. 47-49.

Unnecessary delays in granting certificates to children who are entitled to them are undesirable. Where promises of employment are required delay causes inconvenience to the employer, as well to the child, and sometimes results in the child's losing the position.<sup>95</sup> Moreover, though the child is usually supposed to remain in school until he has been given an employment certificate, it is difficult to enforce attendance after he has received his school record and even if he stays he is not likely to profit greatly by school instruction during such a period of waiting.

Delays due solely to failure to produce evidence of fulfillment of the requirements are necessary, however, to give children the protection intended by the law. Such delays are avoided only when the issuing officer fails to demand evidence that the child is entitled to a certificate or requires only inadequate evidence, as, for example, where he accepts the parent's statement as to the child's age<sup>97</sup> or the child's statement as to his grade in school,<sup>98</sup> or fails to require a physician's certificate of health.<sup>99</sup> Unfortunately these things are sometimes done and, as a result, children secure certificates who are by law entitled to them.

Difficulties leading to delay may arise in securing evidence of fulfillment of any of the requirements. The parent may fail to appear promptly, for any one of many reasons. The child may fail to bring a promise of employment or the promise brought may fail to state all the facts required—for example, the exact occupation, hours of labor—or may be for an occupation or for hours prohibited by law. The issuing officer sometimes telephones the employer for further information or to ascertain whether the promise is genuine but usually merely tells the child that he must bring more information about the promise of employment before he will be granted a certificate.<sup>1</sup> Where an educational test is required the child is usually given this test when he first appears at the issuing office in order to save further trouble if he is unable to pass it. Where such a test is not given by the issuing officer but by a special examiner, however, the child must usually make a separate trip to the office of that examiner.<sup>2</sup> A delay may also occur in case a child has failed to fulfill the school attendance requirements for a certificate and is required to return to school to finish the required number of days or weeks' attendance or to make up absences.<sup>3</sup> Furthermore, where a school record is required a child may be delayed because of lack

<sup>95</sup> See p. 138.

<sup>96</sup> See pp. 191-192.

<sup>97</sup> See pp. 65-66.

<sup>98</sup> See pp. 113-114.

<sup>99</sup> See p. 81.

<sup>1</sup> See pp. 51-52.

<sup>2</sup> See p. 116.

<sup>3</sup> See p. 119.



ision for issuing such records when the schools are not in session occasionally, because the record is from a school the standards of which are not known to the issuing officer and must be investigated in advance before he can conscientiously approve the record.<sup>4</sup>

The two requirements which most often cause delay in the issuance of certificates probably are, first, that certain documents or evidence that these documents can not be obtained shall be produced and, second, that children shall secure physicians' certificates of physical fitness. Not only may the law or the regulations require a delay in the acceptance of comparatively weak evidence of age,<sup>5</sup> but even when children who were born in some other city or country are frequently delayed by the necessity of sending for birth or baptismal certificates.

<sup>6</sup> In at least one city, moreover, it was found that a child who said he was born in the city had to wait at least a day, and sometimes two days, until a clerk from the issuing office had searched the registrar's files for a record of his birth,<sup>7</sup> and in another city such a child had to wait until a reply was received by the issuing officer in response to a request, sent as a rule daily to the registrar, for the birth records of the day's applicants who claimed to have been born in the city.

In these two cases, of course, the delays were caused primarily in an effort to save the time of the registrars of vital statistics, and are not essential to the protection of the child. In most issuing offices, though evidence of age may be the first document asked for, children who are necessarily delayed in producing such evidence are permitted to go through all the rest of the procedure, even including physical examination, during the period of waiting.

For the physician's certificate of health, although in most issuing offices there is no hard-and-fast rule concerning the order in which the various requirements must be met, the physical examination is usually given until after all the other documents have been produced and, as a rule, approved. In most cities and towns children often make a special trip to the office of the examining physician, and may have to wait a day or two, and occasionally longer, until the office hours. An even longer delay may occur in case a child is required to have defects corrected before the physician will sign his certificate of physical fitness.<sup>8</sup>

Not all of these delays are necessary if all children are to be given the protection intended by the legislature, as are also delays which result from a poverty requirement or from the use by the issuing officer of power to refuse a certificate if he believes such refusal to be

<sup>4</sup> pp. 97-98, 100-101, 104-105, 110-111.

<sup>5</sup> pp. 67-68.

<sup>6</sup> pp. 70-73.

<sup>7</sup> p. 58.

<sup>8</sup> p. 86.

for the best interest of the child.<sup>9</sup> Furthermore, an attempt to avoid such delays by the practice, common in a number of otherwise well-conducted issuing offices, of giving children oral authority to work before they have proved fulfillment of all the requirements, leads inevitably to violations both of the child labor and the compulsory school attendance laws. Even when a child later produces all the requisite evidence and proves that he is entitled to a certificate his employment before the certificate is actually issued is clearly illegal. And in some cases, doubtless, children who are unable to meet the requirements are permitted to leave school for a longer or shorter period, after which, even if they can be prevented from working and returned to school, they are likely to furnish trouble both for industrial inspectors and for school-attendance officers.<sup>10</sup>

As no child should be authorized to go to work, either orally or by any form of document, until he has met all the requirements and received a certificate, the only feasible method of avoiding inconvenience to employers and to children who may lose the positions promised them<sup>11</sup> through necessary delays in the procedure is to require the production of a promise of employment only after evidence of fulfillment of all other requirements, including the physician's certificate, has been received and approved. No child should, of course, be granted an employment certificate until he has a position but there seems to be no good reason why he should be required to secure a position until it has been definitely ascertained that he can meet the other requirements for a certificate. In some cities where a placement bureau<sup>12</sup> is maintained children who come to the certificate office without promises of employment are sent to register in that bureau, and in certain cities all applicants are required to report to the placement bureau secretary as a part of the regular procedure of securing their employment certificates. The services of such a bureau should be used, of course, only for children who are certainly able to secure certificates. Where children are obliged to seek their own positions, cards might be given them at the issuing office to show to prospective employers, stating that their evidence of fulfillment of the other requirements has been approved and that their employment certificates will be issued as soon as they present promises of employment.

In most cities where children must attend continuation or evening school as a condition of employment they are required to register in person in that school as part of the procedure preliminary to the

<sup>9</sup> See pp. 11, 30-31, 31-32, 45.

<sup>10</sup> For a discussion of methods of keeping children in school during periods of delay in obtaining certificates, see pp. 191-192.

<sup>11</sup> See p. 136.

<sup>12</sup> See pp. 163-164.

ssuance of certificates.<sup>13</sup> This registration does not take place, however, until all the other requirements have been fulfilled. In some of the larger cities, as already noted,<sup>14</sup> children may be registered by a clerk from the continuation school stationed in the issuing office; and in some places the issuing officer is the superintendent or principal of the continuation school. But in most cities, probably, children are obliged to go to the office of the school (which, however, may be in the same building as the issuing office) to register, and must bring back to the issuing office evidence of some sort that this requirement has been fulfilled. In at least one State the signature of the director of the continuation school must appear on the certificate. In some places in this State the child is permitted to take the certificate itself from the issuing office to the school to obtain his signature, though in one city it was found that the issuing officer usually mailed the certificate to the continuation school to be signed, and that the child obtained it only when he went there to register. In most places the director's signature is stamped on the certificate in advance and the child brings back to the issuing office some other evidence, such as the date of registration stamped on his promise of employment, that he has been registered.

In some cities, instead of requiring children to register in the continuation or evening school before obtaining their certificates, the issuing officer merely tells them that they must attend, and reports to the head of the school the names and addresses, and usually the names and addresses of the employers, of all children granted certificates. In one city it was found that when a certificate was issued the child was given a card to present to the principal of the continuation school; another card was mailed to the school-attendance department; and a third card was filed in the issuing office. As soon as the child registered the principal sent his card back to the issuing office, and if this card was not received within a few days the issuing officer was expected to notify the attendance department.

A refusal to grant a certificate may occur whenever it is definitely established that a child can not fulfill any one of the requirements. All refusals are temporary, theoretically at least, for if a child who has once been refused for any reason later proves ability to meet all the requirements, including the one for failure in which he was formerly refused, he is, of course, granted a certificate. Refusals, and the delays,<sup>15</sup> are least likely to occur where the standards for employment are low and their enforcement lax. In a certificate office, for example, where a parent's affidavit is accepted as evidence of

<sup>13</sup> For methods of enforcing attendance at such schools see pp. 195-199.

<sup>14</sup> See p. 125.

<sup>15</sup> See pp. 135-138.



age,<sup>16</sup> where the examining physician merely "looks over" the child before signing the certificate of physical fitness,<sup>17</sup> and where a child who must show ability to read and write "simple sentences in English"<sup>18</sup> is given a test which could be passed by a child who had completed only the first few grades, few children will be refused certificates. Within limits the thoroughness with which a given law is enforced by issuing officers may be judged by the number of refusals as compared with the number of certificates granted.<sup>19</sup>

In most issuing offices, when a child is definitely refused an employment certificate, he is told the reason why and is instructed to return to school.<sup>20</sup> In some offices a formal statement of the reason for refusal is sent to the parents,<sup>21</sup> and in some, if the family is in need that fact is reported to a charitable agency. Any documents which may have been presented by the child are usually returned to him, but whatever record has been made of the case, or at least a record of failure to pass the physical examination, is kept for future reference.<sup>22</sup>

In many cases the issuing officer does not formally refuse the certificate, but some other official declines to issue a preliminary document. The teacher or principal, for example, may refuse to issue a school record, or the physician may refuse to sign a certificate of physical fitness. In such cases, though the child is told that he cannot secure the document, he may or may not be instructed to return to school and the issuing officer may or may not be notified of the fact that the child is unable to fulfill the requirements. In one city it was found that even a State department to which certain children had to be sent for approval of their evidence of age<sup>23</sup> failed to send any report to the issuing office of cases in which it disapproved the evidence offered. Examining physicians not infrequently fail to send any notice to the issuing officer when they find children physically unfit for work,<sup>24</sup> but merely keep the blank forms which the children have brought or, if such forms have to be obtained at their own offices do not give them to the children. In such cases the children, as a rule, fail to return to the issuing office; but failure to return may, of course, be due to causes which have nothing to do with qualifications for an employment certificate, such as a change of plan or the fact that a child has left the city.

<sup>16</sup> See pp. 65-66.

<sup>17</sup> See p. 83.

<sup>18</sup> See p. 114.

<sup>19</sup> See p. 37.

<sup>20</sup> See also pp. 171, 172-174, 191-192.

<sup>21</sup> For reports to the school authorities in regard to children who have been refused, as well as those who have been granted certificates, see pp. 172-173, 192.

<sup>22</sup> See pp. 165-166, 168-169.

<sup>23</sup> See p. 39.

<sup>24</sup> See p. 166.

When a child is refused a school record, a report to the issuing office in most places, probably, unnecessary, as the teacher or principal to whom the application is made is responsible for seeing that the child does not drop out of school. But issuing officers should always be notified of the results of a physical examination in order that they may be able to use the information in case the child later applies again for a certificate.<sup>25</sup> Many examining physicians, therefore, in case they do not wish to sign a certificate of physical fitness, note the reason for refusal on the blank form sent for signature even when the form makes no provision for such a report. In some places, however, the forms in use provide spaces for the physician to report a negative decision. In many cities, when the examining physician refuses to recommend a certificate, as well as when his recommendation is favorable, he gives his report on the case to the child to take back to the issuing office; but when the report is a refusal the child may never go back to that office and, if he does not, the issuing officer receives no report as to the results of the examination. In some cities, therefore, the physician himself notifies the issuing officer by telephone or, in serious cases, by letter, of the cause of refusal.

In cities where the most careful attention has been given to the development of an adequate system of physical examinations, a detailed report of each examination, with a recommendation, is sent to the issuing officer. In case of refusal to recommend the granting of a certificate the physician should send this report by mail if his office is not in the same building as the issuing office. On the other hand, when the physician merely wishes to withhold the certificate of physical fitness until certain defects have been corrected<sup>26</sup> he usually keeps the form in order to sign it and give it to the child when his instructions have been carried out. Some examining physicians notify the issuing officer of such delays as well as of definite refusals.

Where the certificate is good in the hands of any employer, and sometimes even where it is good only in the hands of a specified employer, it is given directly to the child. Usually when this is done the child is given at the same time certain instructions in regard to its use, and is especially cautioned not to lose it. In some offices he is also instructed to return to school when unemployed.<sup>27</sup> Moreover, where the law requires it, he is usually instructed to bring the certificate back or, if his employer has not returned it to him, to come back to the issuing office when he leaves his position. In some offices he is told to return the certificate and secure his documentary evidence of age when he becomes 16, or at whatever age he is no longer required to hold a certificate.<sup>28</sup>

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<sup>25</sup> See pp. 144-146.

<sup>26</sup> See p. 86.

<sup>27</sup> See pp. 155-156.

<sup>28</sup> See p. 166.

Because of the danger, however, that a certificate, if given directly to the child, will be used merely as an excuse for staying out of school or will be passed on to another child who can not meet the requirements,<sup>29</sup> and also because of the possibility that the promise of employment may have been forged,<sup>30</sup> the most careful issuing officers in States where the certificate is regarded as the property of the employer and not of the child<sup>31</sup> mail the certificate directly to the employer. Some State laws, indeed, provide that the certificate must be mailed. This can be done in any State or city where a promise of employment is required, but in States where the law does not specify to whom the certificate shall be given, each issuing officer uses his own judgment in the matter and, as a result, some issuing officers mail certificates to the employers while others give them to the children. Furthermore, even in a single office the procedure on this point may not be uniform; the certificate may be mailed in some cases and in others given to the child.

Where the certificate is sent directly to the employer it is usually mailed on the day it is issued so that the child can, as a rule, go to work the next day. In some offices, moreover, an identification card stating that a certificate has been issued, is given the child to take to the employer so that, if his certificate has not arrived at the beginning of business hours the next morning, the employer can put him to work in the expectation of receiving it within a few hours. In one State a duplicate copy of the certificate is issued to the parent and the child is permitted to work for a week on the authority of this copy.<sup>32</sup> In at least one State, however, it is said that employers usually refuse to let children go to work until their certificates are actually on file, because of the heavy penalty imposed by the workmen's compensation law if a child is injured while illegally employed.<sup>33</sup>

In spite of the possibility, or even probability, that this procedure may cause the child some slight delay in going to work, the certificate should be sent by mail, and not by the child, to the employer. Especially where the certificate must be returned to the issuing office by the employer when the child leaves his position,<sup>34</sup> it should be mailed to the employer when first issued. If the employer receives the certificate from the child it seems to him the natural thing to return it to the child, expecting the latter to take it to the issuing office; and even when the law specifically requires that the certificate shall be returned by mail, he has at least an excuse for giving it

<sup>29</sup> See p. 129.

<sup>30</sup> See pp. 50-55.

<sup>31</sup> See p. 130.

<sup>32</sup> See p. 145.

<sup>33</sup> See pp. 53, 226.

<sup>34</sup> See pp. 159-161.



back to a child who has brought it to him. Sending the certificate by the child, instead of by mail, to the issuing office, defeats in many cases the purpose of the requirement that the certificate be returned—the notification of the issuing officer that the child is unemployed. Furthermore, if the employer receives the certificate by mail direct from the issuing office he is likely to feel a greater sense of responsibility not only for its return but also for the fulfillment of other legal regulations governing his employment of the child, and anything which makes employers feel such responsibility assists in the enforcement of all the child-labor standards.

### REGULAR SUBSEQUENT CERTIFICATES.<sup>35</sup>

The issuing of a subsequent certificate does not involve fulfillment of as many requirements as does the issuing of a first certificate, and is, therefore, a comparatively simple matter. When a child who has once secured an employment certificate from a particular issuing office in a city applies at the same office for a second or later certificate because of a change in position, he is not required to present again evidence either of age or of fulfillment of the educational requirements, and the parent is not asked to appear.<sup>36</sup> On the other hand a child whose previous certificate was issued by some other issuing office may be considered practically as a new applicant and may be required to fulfill the same, or nearly the same, requirements as if he were applying for a first certificate. In that case, of course, the procedure is substantially the same as for the issuance of an original certificate; but such cases are rare.

The usual requirements for a subsequent certificate are a promise of employment<sup>37</sup> and a physical examination.<sup>38</sup> As already stated,<sup>39</sup> a promise of employment serves three purposes in the enforcement of a child labor law. It assists in preventing children from remaining out of school on employment certificates without being actually at work; it makes possible a physician's certification that a child is physically fit for the particular occupation in which he intends to engage; and it enables the issuing officer to refuse a certificate for a dangerous or injurious occupation. To fulfill any of these purposes, however, it is essential that a promise of employment be presented not only before a first certificate is issued, but also before any subsequent certificate is granted for a new employer. As will be seen later,<sup>39a</sup> if children are to be required to be in school whenever they are not lawfully employed, the issuing officer must receive some sort

<sup>35</sup> See pp. 126, 129.

<sup>36</sup> Instead, the record of issuance of the original certificate is usually consulted. See pp. 168-169, 170. For records of subsequent certificates, see p. 170.

<sup>37</sup> See pp. 49-53.

<sup>38</sup> See pp. 73-97.

<sup>39</sup> See pp. 49-53.

<sup>39a</sup> See pp. 155-156.

of notice of termination of employment. But equally necessary is it, in this case, that the issuing officer shall receive the same evidence that the child actually has promise of a second or any subsequent position, as that he had promise of a first.<sup>40</sup> If school attendance is not enforced between positions and a new promise of employment is required whenever a child makes a change, children may still use employment certificates merely to avoid attending school, for they are often employed only a few days—sometimes only a day or less—in their first positions. Furthermore, if the issuing officer is to refuse a subsequent certificate for a dangerous or injurious occupation,<sup>41</sup> or if the examining physician is to see that each child is fit for the particular occupation in which he is to be employed,<sup>42</sup> a new promise of employment must be required for each new certificate.

In case of a subsequent certificate obtained merely because of a change of occupation when the employer is not changed, no unemployment is involved and, therefore, so far as assistance in enforcing school attendance is concerned, it is not essential that a new promise of employment be presented. Even in this case, however, neither the issuing officer nor the examining physician can protect the child from employment in an illegal occupation or in one which involves too great strain for his physique without information from the employer as to the exact occupation in which he wishes to use the child's labor. A new promise of employment should be required therefore, for a subsequent certificate issued to the same as well as to a different employer.

Obviously, in order that a promise of employment may assist in the enforcement of a law which requires that a child shall be fit for the particular occupation in which he is to engage, a new physical examination should be given, both when a child changes employers and when he changes occupations—in other words, whenever he applies for a subsequent certificate, either for the same or for a different employer. Yet not only do some issuing officers fail to require formal promises of employment for subsequent certificates but, as already noted,<sup>43</sup> only a few State laws specifically require new physical examinations when children change their positions or occupations: and in other States, though reexaminations may be required for subsequent certificates in some issuing offices, they are not in others.<sup>44</sup>

In States where a physical examination is not required in connection with an application for a subsequent certificate such a certificate is sometimes issued merely on the request of the child, of his parent.

<sup>40</sup> See pp. 157-158.

<sup>41</sup> See pp. 51-52, 136.

<sup>42</sup> See pp. 83-84, 89-90.

<sup>43</sup> See p. 92.

<sup>44</sup> Sometimes the issuing officer consults the record of the previous examinations. See pp. 166. But see also pp. 91-92.

or of his prospective employer, sent by letter or postal card to the issuing office.<sup>45</sup> In some offices, if the request comes from the child or parent, the issuing officer may telephone the employer to make sure that the child actually has a position. In at least one State delay in going to work in the subsequent position for which a certificate has been requested by mail is prevented by the fact that a child is allowed to work for a week on the "parent's copy," already mentioned,<sup>46</sup> of his former certificate. This "parent's copy" also serves as evidence, when a child is looking for a second or later position, that he can legally be employed.

As a rule, a child must apply in person<sup>47</sup> for a subsequent, as well as for an original certificate; and in at least one issuing office in a State where the law specifies that a certificate is valid only for the occupation for which it is issued,<sup>48</sup> it was found that these later opportunities to interview children were used to assist in enforcing this provision of the law. When a child applied for a subsequent certificate he was asked whether in his previous position he had worked in any other occupation than the one for which the certificate had been secured. If he said he had, the issuing officer telephoned the employer and called his attention to this violation of the law, warning him that in future, if he changed a child's occupation, he must secure a new certificate.

Where children must attend continuation school they must usually appear in person in applying for subsequent certificates, and sometimes the requirement of a new certificate for each new position is used effectively to assist in the enforcement of continuation-school attendance.<sup>49</sup> In one city, for example, it was found that a child was sent to the continuation school before he was granted a subsequent certificate, as well as before he was granted an original one. There he was questioned as to whether he had been regular in attendance and his record was consulted to verify his reply. If he had attended regularly his promise of employment was merely stamped as approved and he could then return to the issuing office and secure his certificate. If not, he was obliged to make up all absences, attending continuation school every day until he had done so, before he could secure the stamp of approval of the continuation school on his promise of employment. Meanwhile, of course, the issuance of his subsequent certificate was delayed. The revocation or withholding of employment certificates is a common method of enforcing continuation-school attendance throughout at least one State.

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<sup>45</sup> See pp. 46-47.

<sup>46</sup> See p. 142.

<sup>47</sup> See pp. 46-47.

<sup>48</sup> See pp. 129-130.

<sup>49</sup> See pp. 138-139, 197-198.



An additional requirement for a subsequent certificate found in the procedure of a considerable number of issuing offices is that the old certificate shall have been returned by the employer. The law frequently requires that employers shall return within a certain number of hours or days, often not over two days, the certificates of children who have left their service;<sup>50</sup> but the requirement that these certificates shall be returned before new ones are issued is usually, though not always, an administrative regulation which, though it may be based upon an interpretation of the law, is not, as a rule, applied uniformly throughout a State. In offices which have such a requirement, however, children are often delayed two or three days, and sometimes longer, in securing their subsequent certificates. In one city it was found that applicants for subsequent certificates were subjected to still further, and apparently unnecessary, delay because they were not allowed to secure promise of employment blanks until after their old certificates had been returned. In many issuing offices, however, children are granted subsequent certificates without regard to whether their old certificates have been returned; in that case the issuing officer, as a rule, later attempts in some way to secure the return of the old certificate from the former employer.

In some issuing offices where one of the requirements for a subsequent certificate is that the old one shall have been returned, if a child applies whose certificate has not yet been received he is told to go back to his former employer, in some places to get the certificate himself and in others to ask the employer to return it by mail to the issuing office. Thus the child is made to assist actively in securing enforcement of the law requiring the return of certificates.<sup>51</sup> In other offices, though the child's application for a subsequent certificate serves as a notification of failure on the part of the former employer to return the old one, the issuing officer usually assumes responsibility for enforcing the law requiring its return. In one issuing office it was found that each applicant for a subsequent certificate whose old one had not yet been received was questioned as to whether he had asked the employer to return it and, if he had not, was told to do so at once; but if he stated that he had asked the employer to return it, the issuing officer immediately notified the employer by telephone that he must send in the certificate at once, and at the same time mailed to the employer a copy of the section of the law relating to the return of certificates. In the latter case the child was not required to wait for the return of the old certificate. Sometimes children are instructed, either by issuing officers or by continuation-school teachers, to inform their employers several days before leaving so

<sup>50</sup> See pp. 159-160.

<sup>51</sup> See pp. 159-161.

that their old certificates will be at the issuing office when they apply for new ones.

The purpose of the requirement that the old certificate be returned before a new one is issued is mainly to prevent having more than one certificate out for a single child. It is believed that an employer who has on file a certificate for a child who is no longer in his employ may use it for some other child who is not legally entitled to an employment certificate.<sup>52</sup> In one State, however, the danger of such violations is not considered serious enough to necessitate the return of expired certificates and the law makes no provision for taking such certificates out of the hands of the employers, who must send in, instead, special notices of termination of employment.<sup>53</sup> Another purpose served by the requirement for the return of an old certificate before the issuance of a new one is the education of employers in the necessity for compliance with the provision that expired certificates be returned promptly to the issuing office.<sup>54</sup> If a child who applies for a subsequent certificate has to wait for the return of his old certificate, either the child or the issuing officer, or both, will remind the employer that the law requires its return. This requirement is also said to assist in preventing children from leaving their employers without notice.<sup>55</sup> Nevertheless, it often causes hardship to a child who, through no fault of his own but merely because of the carelessness or indifference of an employer, is obliged, even when he has the promise of a new position, to be idle for a certain period before taking up his new work. When the issuing office has been notified by the child that he has left a position there seems no sufficient reason why that office should not proceed to issue a new certificate, at the same time arranging to secure the return of the old certificate.

In offices where original certificates are mailed to employers<sup>56</sup> subsequent certificates also are usually mailed to them. Usually they are made out on forms exactly like those used for original certificates,<sup>57</sup> though not infrequently they bear some stamp or other indication that they are not the first the children have held. In some issuing offices the returned certificate is reissued to the child with the name of the former employer crossed off or erased and that of the new one substituted. Where this is done the old certificate must have been returned, of course, before a subsequent one can be issued. The desirability of this method, however, is open to question. In some places where the name of the former employer is merely

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<sup>52</sup> See pp. 51, 59.

<sup>53</sup> See p. 159.

<sup>54</sup> See pp. 50, 53, 159-161.

<sup>55</sup> See p. 160.

<sup>56</sup> See pp. 141-143.

<sup>57</sup> See pp. 167-168.

crossed off or erased it has been found that occasionally a child has not troubled to go to the certificate office when changing position; but has merely crossed off or erased the name of his former employer and inserted the name of the new one; in such a case, of course, the later employer has no means of knowing that the change was not made at the issuing office.

### TEMPORARY CERTIFICATES.

Temporary certificates are sometimes issued, as already noted first to children who are unavoidably delayed for a considerable period in securing satisfactory evidence of age, especially when it is necessary to send abroad for their birth certificates;<sup>58</sup> second, to children who are required by the examining physician to have certain physical defects corrected;<sup>59</sup> and, third, to mentally defective children who are given certificates without having met the educational requirements.<sup>60</sup> Furthermore, in some places where the regular issuing officer was a traveling representative of the State supervising authority,<sup>61</sup> agents of the Children's Bureau found that arrangements had been made for the issuance by some local person of temporary certificates good until the regular issuing officer's next visit.

Temporary certificates are not usually provided for by law, though in some States the law permits their issuance for work during treatment for physical defects, and in one State it permits the issuance of such certificates good for 10 days to children who are unable to produce any of the preferred forms of evidence and must resort to a physician's certificate of age;<sup>62</sup> in that case the 10-day period before a permanent certificate is granted is supposed to be used by the issuing officer to search for more satisfactory evidence of age. In certain States, however, a regular certificate may be limited to a specific period and, when thus limited, it becomes in effect a temporary certificate.

A temporary certificate is usually merely a regular certificate issued for a definite period and stamped with the date upon which it expires. When issued pending the correction of some physical defect such a certificate is sometimes called a "provisional certificate." The period varies according to the circumstances. When a temporary certificate is issued to a child because it is necessary to send abroad for evidence of his age, its date of expiration is so fixed as to allow a reasonable time for reply from the particular country where the child was born; and when one is issued to a child who must undergo treat-

<sup>58</sup> See pp. 70-71, 126.

<sup>59</sup> See pp. 86, 126.

<sup>60</sup> See p. 122.

<sup>61</sup> See p. 21.

<sup>62</sup> See p. 67.

<sup>63</sup> See pp. 133-148.



ment for some physical defect, the date of expiration is so fixed as to allow a reasonable time for the correction of the defect. In the case of a mentally defective child the period for which a temporary certificate is good is fixed solely with reference to securing the child's return to the issuing office at stated intervals to give the issuing officer an opportunity to exercise supervision over his employment. Sometimes a form letter is sent to the employer with the certificate, stating the reason why it is only temporary and the date upon which it should be returned. But in one city it was found that a temporary certificate issued pending the correction of a physical defect was in form exactly like a regular certificate,<sup>64</sup> and that the employer was not notified of its temporary character unless the child failed to have the defect corrected within the required time.

When it has been determined during the procedure of application for a regular certificate that the child is not at the time eligible for such a certificate but could be granted a temporary one, he is told for how long the temporary certificate will be issued, that he must return to the issuing office by a certain date, and what he must do in order to secure a permanent certificate at that time. Sometimes a temporary certificate will not be granted until the child has produced evidence that he has written for his record of birth<sup>65</sup> or that he has begun treatment for physical defects.<sup>66</sup>

Although a convenience to the child, these temporary certificates make a considerable amount of extra work for the issuing officer, not because of any unusual difficulty in issuing them, but because of the necessity for seeing that they are returned as soon as they expire, and also to the attendance department, because of the difficulty of securing the return to school of children who have been out at work.<sup>67</sup> As a rule the issuing officer, but sometimes in case of physical defects the physician or nurse, keeps a special record of each child who has been granted a temporary certificate, and, if such child does not return at the appointed time, sends a notice to the employer and sometimes also to the parent, stating that the certificate has expired and asking that the child be sent at once to the issuing office, and usually also that the certificate be returned immediately. If the child does not then appear he is usually reported to the school-attendance department. Unless temporary certificates are recalled promptly upon their expiration and unless the children who have held them are required promptly either to secure new certificates or to return to school there is grave danger of the abuse of this privilege.

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<sup>64</sup> See pp. 167-168.

<sup>65</sup> See pp. 70-73.

<sup>66</sup> See pp. 86-87.

<sup>67</sup> See p. 193 et seq.

If at the end of the period for which a temporary certificate is valid evidence is produced which shows the child to be under age, no new certificate is issued, and the child is told that he must return to school. But if evidence is produced which proves him to be of certificate age or, in case of a temporary certificate pending the correction of physical defects, if he returns with the defects entirely corrected he is granted a regular unlimited certificate. If, however, no reply has been received to the letter requesting evidence of age, and—as more often happens—if evidence is produced that treatment is being received but the defect is not yet corrected, the temporary certificate may be renewed for another fixed period. In some cities temporary certificates granted children who are undergoing treatment for physical defects may be renewed several times, but usually, when a reasonable time has been allowed for the correction of the defect, further renewals are refused. If such certificates are renewed merely to give the child more time, without evidence that any treatment has been or is being received for the defect, the purpose of the law is, of course, defeated. Temporary certificates issued to mentally defective children are usually renewed unless the issuing officer sees reason to believe that the child is receiving injury from his employment.

#### VACATION CERTIFICATES.<sup>68</sup>

The method of issuing a vacation certificate either to a child of regular certificate age or to a younger child who is permitted to work in accordance with a special age standard for vacation work, and also the method of issuing a certificate for employment before or after school hours or on Saturdays while school is in session<sup>69</sup> depends, of course, upon the requirements for the particular kind of certificate. Issuing officers should be, though sometimes they are not, as careful in regard to evidence of age for a vacation as for a regular certificate.<sup>70</sup> Moreover, they should be, but sometimes are not, as careful to see that all other requirements, especially perhaps the physical requirements,<sup>71</sup> of the law are met.

In some places, however, where physician's certificates of fitness are required for regular certificates they are not always required for vacation certificates; and many States have no educational requirements for vacation certificates,<sup>72</sup> while others have educational requirements which are lower than those for regular certificates. The theory under which the educational standard is lowered or abolished for vacation certificates is that the child is not losing by his work any

<sup>68</sup> See pp. 126, 127-128.

<sup>69</sup> See pp. 10-11, 127-128.

<sup>70</sup> See pp. 53-73.

<sup>71</sup> See pp. 73-97.

<sup>72</sup> See p. 97 et seq., especially pp. 100-101.

opportunity for further school training. This assumption is true, of course, only if all children of employment-certificate age who have not secured regular certificates are required to be in school during the entire time that it is in session.<sup>73</sup> In the absence of an educational requirement for employment outside school hours some issuing officers require that a child who wishes to be so employed during the school term must bring a recommendation from the principal of his school stating that he is not behind in his studies or that, in the opinion of the principal, he is able to engage in the proposed occupation without detriment to his school work.

Where the chief purpose of a promise of employment is to insure that the child has a position before permitting him to leave school,<sup>74</sup> such promises are sometimes not required for vacation, though they are for regular certificates. Where a promise of employment stating the occupation is not required, however, the issuing officer loses the opportunity such promises afford of preventing the employment of children in occupations for which they are not physically fit or which are forbidden by law or dangerous or injurious, as well as for illegal hours.<sup>75</sup>

Except for differences in requirements the method of issuing a vacation certificate is usually the same as the method of issuing a regular certificate.<sup>76</sup> Similarly, with this exception the method of issuing a subsequent vacation certificate is the same as the method of issuing a subsequent regular certificate.<sup>77</sup>

Where children are not obliged to meet the same requirements for a vacation as for a regular certificate special forms are most often provided for vacation certificates, but usually where the same requirements must be met, and sometimes even where the requirements are different, the regular certificate form is used.<sup>78</sup> In any event a vacation certificate usually shows clearly on its face that it is good only during a school vacation or outside school hours. If a regular certificate form is used the issuing officer either stamps or writes across its face some such label as "Good only during school vacation," "After school hours only," or "O. K. on school days for three hours which do not conflict with the public-school session and for eight hours on Saturdays and school holidays." In many issuing offices all vacation certificates, whether on special or regular employment certificate forms, bear conspicuously stamped or written across them a notification to the employer that they are valid only

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<sup>73</sup> See pp. 179-180.

<sup>74</sup> See pp. 49-50.

<sup>75</sup> See pp. 51-52.

<sup>76</sup> See pp. 133-143.

<sup>77</sup> See pp. 143-148.

<sup>78</sup> See pp. 167-168.



until a certain specified date, usually the day on which the public schools reopen. Some times such a certificate bears also instructions to the employer directing him to dismiss the child and return the certificate to the issuing office on that date. All such labels and instructions are designed to warn employers against employing children at times not authorized by the certificate.<sup>81</sup> Such a warning is especially needed in States where the compulsory school-attendance law requires that children must be in school unless they are regularly and lawfully employed at least six hours a day<sup>82</sup>—a provision designed primarily to assist in the enforcement of school attendance by preventing children from using a trivial amount of work as an excuse for nonattendance.

### DUPLICATES OF LOST CERTIFICATES.

In case an employment certificate is lost, either by the child or by the employer, a duplicate is usually issued. Some issuing officers issue such a duplicate with little formality, but others, in order to discourage carelessness in the handling of certificates, demand a fee or require the child to wait for a specified period, or adopt some other method of making it more or less difficult to replace a certificate which has been lost.

Duplicate certificates are as a rule exact copies of the originals, but frequently they are stamped with the word "Duplicate," sometimes in red ink.

Where the certificate is mailed to the employer and by him back to the issuing office<sup>83</sup> he is solely responsible if it is lost, and in such places a duplicate is usually issued upon his request. But where the certificate is at any time in the hands of the child either he or his employer may be responsible, and in such places a child who applies at the issuing office for a duplicate is usually questioned closely as to how his certificate was lost. If he says the employer lost it the issuing officer in a city where a fee is demanded for a duplicate usually attempts to make the employer pay the fee, and even when this attempt is unsuccessful does not, as a rule, require the child to pay it if satisfied that the employer was actually responsible for the loss. In other cities issuing officers often require a child who says his employer has lost his certificate to bring a note from the employer or to secure some other evidence to prove his statement before they will issue a duplicate, and sometimes before they will issue a subsequent certificate.

In many issuing offices, if no proof can be obtained that the employer was responsible for the loss of the certificate, other measures

<sup>81</sup> See also pp. 36-37, 160, 201-202.

<sup>82</sup> See p. 177.

<sup>83</sup> See pp. 141-143, 159, 160.

are taken to make sure that it has actually been lost and that the child is not applying for a duplicate merely in order to give it to another child, as children have sometimes done. In some offices the child is required to sign a form stating how the certificate was lost; and in others the parent must either come to the office<sup>84</sup> or send a note confirming the child's statement. Sometimes the parent is even required to take oath to the fact that the certificate has been lost. The fee demanded in some offices also tends to discourage the obtaining of duplicate certificates for fraudulent purposes, as does the requirement found in some offices that the child shall wait a week or more. Often the fee is not collected, however, if the child's family is poor, and in any event it may seem a hardship in cases where the certificate has actually been lost. The requirement that the child wait a certain period, though also a hardship, is probably more effective in preventing both carelessness and fraud, and could be made still more so if, during the waiting period, the child were required to return to school.

As a rule, a child who applies for a duplicate certificate is not obliged to fulfill any of the usual requirements for a subsequent certificate. It was found, however, that in one issuing office such a child was measured and weighed again and, if he appeared physically weak or had previously had some physical defect which might have been aggravated by his work, a physical examination was required; if the child was found not physically fit for work, the duplicate certificate was refused. In another office all applicants for duplicate certificates were given the same physical examination as applicants for subsequent certificates.<sup>85</sup>

#### STATEMENTS OF AGE.<sup>86</sup>

No matter what may be the age up to which employment certificates are required, minors who are not much past that age often have difficulty in securing work because employers fear that they are not so old as they claim. Furthermore, inspectors frequently suspect that certain children who are working without certificates are actually of certificate age and either require the employers to produce evidence or make special investigations of their own to ascertain the exact ages of these children.<sup>87</sup> In many States the law makes no provision for the issuance to children over certificate age of any form of document as evidence of age, and the usual practice is to leave the entire responsibility to the employer. The laws of a few States, however, specifically authorize certificate-issuing officers to give these children statements of age, and similar statements are sometimes

<sup>84</sup> See p. 47 et seq.

<sup>85</sup> See p. 144. See also pp. 73-97.

<sup>86</sup> See p. 127.

<sup>87</sup> See pp. 215-217.

issued, without special legal authorization, by certain officers in other States. In some places these statements are issued only to children who have held employment certificates, because the issuing officers consider that a child who has not held such a certificate can submit evidence of his age to an employer as easily as to an issuing officer.

Where statements of age are not issued at the regular certificate-issuing office they may sometimes be obtained from some other office, usually from the labor or industrial-inspection department, but occasionally from school-attendance officers. In certain cities,<sup>88</sup> moreover, they are issued both by the employment-certificate office and by the labor department, sometimes by the former only to children who have held certificates and by the latter to other children.

The procedure of obtaining a statement of age differs according to whether the child has previously held an employment certificate. If he has held such a certificate the statement of age is based, of course, upon the age as shown in the records relating to the issuance of the employment certificate,<sup>89</sup> and can be obtained merely by applying. But if he has never held an employment certificate he must usually produce at the issuing office the same sort of evidence as he would have been required to bring in applying for that certificate.<sup>90</sup> In some issuing offices a child who claims to be over certificate age but who is unable to procure satisfactory documentary evidence is given a physical examination and, if the physician believes that he is of the age stated, is granted a statement of age on the basis of the physician's certification. As in the case of employment certificates, however, the evidence of age required is often inadequate, and some issuing officers accept less trustworthy evidence for a statement of age than for an employment certificate on the ground that, as they are not required by law to issue statements of age, they can be held responsible only for certifying that certain documents have been produced which give the age as stated, and not for the actual truth of the statement.

A statement of age is sometimes made out upon a special form provided for the purpose, which may resemble an employment certificate or may be a form letter. Sometimes this form provides for a certification that the child has produced satisfactory evidence that he is of the age or was born on the date specified, and sometimes it provides also for indicating the character of the evidence. The form found in use in one issuing office provided merely for a statement that the child was past the age when a certificate was required for employment. In some cities the regular employment-certificate form<sup>91</sup> is used for such statements, or may be used if the

<sup>88</sup> See p. 216.

<sup>89</sup> See pp. 165-166, 167-169.

<sup>90</sup> See pp. 53-73.

<sup>91</sup> See pp. 167-168.



child can meet other requirements for an employment certificate. Some issuing officers, however, do not make out any special document but merely stamp the evidence of age brought by the child to indicate that it has been presented and approved by the issuing officer; and others send a letter or merely telephone the employer stating that the records of the office show, or that the child has produced evidence to prove that he is past the age when he needs an employment certificate.

Statements of age, if based upon adequate evidence, fill an important administrative need and assist in preventing violations of the employment-certificate law. Where no such statements are issued employers often hesitate to employ children who look young for their ages as stated and many of these children are, therefore, handicapped in securing positions. On the other hand, less careful employers often employ, without certificates, children who claim to be, but in fact are not, over certificate age; and these children are employed illegally, not only as to certificates but often also as to hours and occupations, until the next inspection is made or until they are past certificate age. If statements of age were required for the employment of all children who were not more than one or two years older than the upper age limit for employment certificates, and if employers were educated to demand such statements in all other doubtful cases,<sup>92</sup> both children and employers would be saved from inconvenience and annoyance and many violations of the employment-certificate law would be avoided.

### UNEMPLOYED CHILDREN.

For the enforcement of school attendance of unemployed children the fundamental requisites, as already noted,<sup>93</sup> are that certificates shall be secured before children go to work and that, after children have been granted such certificates, reports shall be received by some public agency whenever they are unemployed. Theoretically, these reports might be made either by the children or by their employers and might be received by the industrial inspection department, the school attendance department, or the certificate-issuing office. But most laws require that they shall be made by employers to the issuing officer, who is responsible for notifying the school-attendance department.

Certain States have attempted to secure reports of unemployment directly from the children. In at least one State the law formerly required that, when a child left a position, he must report immediately to the superintendent of schools and that, if he did not

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<sup>92</sup> See pp. 200-201, 215-216.

<sup>93</sup> See pp. 14, 129.

find another position within two weeks, he must return to school. Furthermore, this law provided that any child who, in the opinion of the superintendent, had lost his position by reason of "persistent willful misconduct, or continuous inconstancy" might be placed in school until the end of the school year. In practice, however, it was found impossible to secure such reports of unemployment from children with any degree of completeness. On the other hand, a system of monthly reports from all working children to the issuing office, found in another State, appears to have been successful in at least one city in keeping the issuing officer informed as to the employment or unemployment of most, at least, of the children to whom he had issued certificates. The law requires that these monthly reports shall be made in person, or in writing through the parent or guardian, and shall give the name of the employer and the location of the place of employment; and the report cards in use, it was found called also for statements as to the kind of work and the earnings and for the name of the school the child was attending if he was not employed. Each child, when granted a certificate, was given a set of these report cards and was instructed to fill out one on an assigned date each month. The dates were so arranged as to distribute the reports from all the children through the month. If a child failed to report the first month after receiving his certificate an attendance officer was notified at once; if a child who had been reporting regularly failed he was first reminded of this duty by a notice from the issuing officer, but after a second failure was reported to an attendance officer. The certificate of a child who persistently failed to report might be revoked.<sup>94</sup> In addition to the sending in of these monthly reports children were instructed to come immediately to the issuing office when they were unemployed. Unfortunately it is possible, under such a system, for children to stay at home for long periods merely by sending in regularly monthly reports stating that they are employed. Such cases, however, might be detected without great difficulty by communicating with or visiting from time to time the employers for whom the children claim to be working.

Other sources from which reports of unemployed children are sometimes received include police officers, philanthropic organizations, juvenile protective associations, continuation-school teachers, and industrial inspectors.<sup>95</sup> In some cities where children who have received certificates must attend continuation school they are required to report to their continuation-school teachers whenever they leave positions. Industrial inspectors frequently find expired certificates on file in the offices of employers.<sup>96</sup> In some States, indeed

<sup>94</sup> See pp. 30-31. See also p. 40.

<sup>95</sup> See pp. 188, 223.

<sup>96</sup> For the methods by which inspectors can assist in securing the return of certificates see pp. 213-214.

where the reports must be made to certificate-issuing officers, many of these officers consider that the labor department is primarily responsible for seeing that they are made, and therefore assume only the duty of reporting to the school attendance department the names and addresses of children who have been reported to them as having left their positions.

In most States the chief, if not the sole, responsibility for knowing whether children who have been granted employment certificates are at work or idle, as well as for reporting to the school-attendance department all those who are unemployed, rests upon the certificate-issuing office. Before a child has secured a certificate, even though he has applied for one, he is a truant if he fails to attend school as required by law<sup>97</sup> and the issuing officer is not responsible for any essential part of the machinery necessary to secure the attendance even of applicants who have failed or have been delayed in securing certificates, though he should assist the attendance department by reporting the names and addresses of such children.<sup>98</sup> But as soon as a child has secured a certificate his name is dropped from the register of the school which he has been attending<sup>99</sup> and no public agency except the certificate office is responsible for keeping any record of his movements. If a child who has once held an employment certificate is to be returned to school when not at work it is essential, therefore, that the certificate office have some method of knowing at all times whether each child to whom a certificate has been issued is at work or unemployed and that it report promptly to the school attendance department the name and address of each child who is not at work.

The two essential points concerning which the issuing office must receive prompt information are, first, whether the child goes to work immediately in the position for which he has been granted a certificate and, second, the date of termination of his employment in that position. These two points must, of course, be ascertained for each different position. Only in States where a new certificate must be secured for each new position, therefore, is it feasible, as a rule, to send children back to school at any time when they are out of work after they have been granted employment certificates.<sup>1</sup> In States where the employment certificate given a child is good for any employer and the child does not have to secure a new certificate when he changes positions, it is obviously impossible to secure reports of termination of positions, though efforts are sometimes made, usually

<sup>97</sup> See p. 129. For a discussion of methods of keeping applicants for employment certificates in school, see pp. 191-192.

<sup>98</sup> See pp. 171-172, 172-173.

<sup>99</sup> See pp. 171-172.

<sup>1</sup> See pp. 129, 193.



by requiring a promise of employment,<sup>2</sup> to see that the child actually goes to work when he first secures his certificate. As a result, though in some cities vigilant attendance officers may succeed in sending an occasional unemployed child back to school, they never know of the great majority of cases of unemployment.

In many States the required promise of employment is considered sufficient evidence that a child applying for a certificate has a position and will go to work as soon as he has legal authorization. If such a promise is required for each position, subsequent as well as original,<sup>3</sup> and if the certificate is not given to the child but is mailed to the employer,<sup>4</sup> this method probably insures in most cases that the child at least begins work for the employer named in his certificate. It has sometimes been found, however, that an employer has changed his plans or has given more than one promise for the same position and taken the child who succeeded first in securing a certificate, and that when he received the second certificate he has not taken the trouble to return it.<sup>5</sup>

Certain States, therefore, have taken the further precaution of requiring, usually in addition to a promise of employment, that the employer shall send to the issuing office either a receipt for the employment certificate or a statement that the child actually began work on a certain date. Where such a receipt or statement is required a blank form upon which it is to be entered is usually sent to the employer with the certificate, and instructions for the use of the form, together with a statement as to the penalty for failure to return it within a prescribed period—usually about two days—after the child has gone to work, are either printed on it or sent to the employer at the same time. Although both the certificates and these blank forms are sometimes sent to the employer by the child, the better method of mailing them is usually followed, and in any event the receipt for a certificate or notice of commencement of employment is supposed to be mailed back to the issuing office.

In most issuing offices where employees are required to send in such receipts or notices of commencement of employment, if an employer has not complied with the requirement within a reasonable period—usually a week or two—after the issuance of the certificate, he is again reminded by letter of the requirement, or the case is referred to a school attendance officer. In any event, if the issuing officer finds it impossible to secure the return of the document he may eventually call either upon the school attendance or upon the industrial-inspection department for assistance. Although in some places where the law has provided for this method of insuring that

<sup>2</sup> See pp. 49-50.

<sup>3</sup> See pp. 49-53, 143-144.

<sup>4</sup> See pp. 141-143.

<sup>5</sup> See pp. 50-51.

children go to work promptly employers who failed to comply with the requirement have not been followed up quickly or systematically enough to secure good results,<sup>6</sup> such a provision ought not to be difficult to enforce, because the issuing officer knows, to within a day or two, when to expect the receipt of commencement notice and can, therefore, make inquiries promptly if it is not received.

As for information in regard to the leaving of positions, some States require employers to send in a special notice of termination of employment, and others provide that employers shall return employment certificates within a specified time after the children have quit work. Where a special termination notice is required the blank form for this notice, as in the case of a commencement notice, is sent to the employer with the certificate and contains or is accompanied by instructions to the effect that it must be returned within a fixed period after the child has left the position. The more common method of securing information as to the termination of positions is to require the return of the certificate itself, and this method has the additional advantage that it prevents the use by employers of unclaimed certificates for children to whom they do not belong and who may be unable to meet the requirements.<sup>7</sup>

Whether a special termination notice is used or the certificate is returned, this document should, of course, be sent by mail. If sent by the child, as already noted,<sup>8</sup> it may not be received until he applies for a new position and may therefore fail entirely in its purpose of notifying the issuing officer that he is unemployed. Some issuing officers, therefore, make a practice of sending to each employer who has returned such a document by a child a form letter calling his attention to the fact that, in so doing, he has violated the law or the regulations, as the case may be. Other issuing officers report such cases to the factory-inspection department.

The period allowed for the return of a certificate differs considerably. For the requirement to assist in sending unemployed children back to school this period must be short. In certain States the law requires that a certificate must be returned within 24 hours, and in many States it must be returned within 2 or 3 days after the child's employment has terminated.<sup>9</sup> In some States, however, a longer period, sometimes 15 days, is allowed if the child does not demand that his certificate be returned. As the child who expects to secure another position at once is likely to demand that his certificate be sent back to the issuing office,<sup>9</sup> employers are allowed this extra time

<sup>6</sup> See pp. 50-51, 225.

<sup>7</sup> See pp. 51, 147.

<sup>8</sup> See pp. 142-143. See also pp. 160-161.

<sup>9</sup> See pp. 146-147.

in the very cases where unemployment is most likely to occur and therefore in the very cases where a prompt report is most needed. Even in States where a new certificate is not required when a child secures a new position, employers are sometimes required to return unclaimed certificates within from 2 weeks to 30 days,<sup>11</sup> but this period is much too long if any attempt is to be made to send the child back to school. Furthermore, it is more difficult to enforce a provision which allows a long period than it is to enforce one which requires the employer to return the certificate when the fact that the particular child has left is fresh in his mind.

Employers sometimes complain that it is not possible in all cases for them to return certificates as promptly as the law requires, because children do not always notify them when they are leaving. If a child is unexpectedly absent from work it can not be assumed that he has decided to change his position; he may be ill or obliged to stay at home because of some family emergency, or may be merely taking a few days' "vacation." To a certain extent, as before noted,<sup>12</sup> the requirement that the old certificate must have been returned before a new one will be issued tends to prevent children from leaving employers without notice. But some children may object to telling their employers that they are going to leave more than they object to a delay of a day or two in securing new certificates. Nevertheless, as a rule children who are temporarily absent from work could notify their employers of the reason for their absence within a day or two, and if they fail to do so it does not seem unreasonable to require them to go back to the issuing office for their certificates. Employers should, therefore, be required to return promptly the certificates of all children who are absent without explanation even though the absence may be only temporary.<sup>13</sup>

Various methods are used to assist in securing the prompt return of certificates as required by law. In some States, as already noted,<sup>14</sup> the certificate form contains a conspicuous statement to the effect that it must be returned to the issuing office within a specified period after the child has stopped work. Sometimes this statement includes instructions to return the certificate by mail and not to send it by the child;<sup>15</sup> and in some States, as mentioned earlier,<sup>16</sup> the promise of employment form contains a written agreement to return the certificate on termination of the child's employment. Furthermore, the requirement that the old certificate must have been returned before a

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<sup>11</sup> See p. 129.

<sup>12</sup> See p. 147.

<sup>13</sup> See pp. 213-214.

<sup>14</sup> See p. 50. See also p. 201.

<sup>15</sup> See p. 159.

<sup>16</sup> See pp. 50, 52-53.



new one is issued has already been shown<sup>17</sup> to be designed, in part at least, to assist in educating employers to return promptly the certificates of children who have left their employ.

Whether or not the return of the old certificate is a requirement for securing a new one, a child's return to the issuing office for a subsequent certificate constitutes in itself a notice to that office that the child has left his previous position and, if the employer has not returned his certificate, reveals a violation of the law.<sup>18</sup> So far as sending the particular child back to school is concerned, such a notice is of no value, since the period during which he should have been attending school is then past; but the information can be used to prevent the employer from repeating the offense. In some issuing offices a special list is kept of employers who have failed to return certificates promptly, and letters are sent to such employers, sometimes after each failure and sometimes only after the third, calling attention to the fact that they have violated the law. Such a list serves both to check up employers and as evidence in case of prosecution. If the employer pays no attention to this letter, the case may be referred to the industrial inspection department.<sup>19</sup> Some issuing officers report promptly to the inspection department not only all cases in which an employer has returned a certificate by the child instead of mailing it,<sup>20</sup> but also all cases in which the child's return for a subsequent certificate has revealed the fact that the employer has failed to return his old one, and those in which either the date of termination of employment as entered by the employer on the certificate (as is sometimes required) or a statement made by the child in answer to a question, has revealed that the certificate was not returned within the required period.

The return of the certificate is only the first step in the procedure necessary to enforce the school attendance of unemployed children. When the certificate has been returned the child must be reported to the school-attendance department and the latter must take whatever action is necessary to secure his attendance at school, if he does not promptly secure another position.<sup>21</sup> In many issuing offices a child is allowed two weeks—but in others a month—after his certificate has been returned in which to apply for a new one, and his name and address are reported to the school-attendance department only if he has failed to apply for a subsequent certificate by the end of that period. In other offices a child is allowed, as a rule, only about a week, while in still others the issuing officer reports his name at once to the attendance department, leaving it to that department to decide

<sup>17</sup> See p. 147.

<sup>18</sup> See p. 146. For one method of educating the child as to this requirement, see p. 114.

<sup>19</sup> See pp. 213-214, 225.

<sup>20</sup> See p. 159.

<sup>21</sup> See pp. 193-195.

how soon the case should be investigated. Since there is always likely to be delay in following up cases, the latter plan seems the more desirable. In any event the issuing officer must make another report to the attendance department if the child later comes in to apply for a new certificate.<sup>22</sup> In one issuing office it was found that as soon as a certificate was returned the issuing officer made out in duplicate a formal report of the case; one copy of this report was sent at once to the attendance department and the other copy was kept in the issuing office. When the child applied for and was granted a subsequent certificate that fact was noted on the office copy and this also was sent to the attendance department as a notice that no further investigation was needed. If the latter department did not receive the second notice within a reasonable time it was responsible for sending the child back to school. Only close cooperation of this kind between the certificate-issuing office and the school-attendance department can secure the school attendance of unemployed children.

In many States which require that employers return termination notices or certificates when children leave their employ this provision is so poorly enforced as to be of little, if any, use. Furthermore, even when they receive such notices that children have left their positions many issuing officers fail to report, or to report promptly, to the school-attendance department which is primarily responsible for sending the children back to school. Unless every case of failure to return an employment certificate within the time set by law is followed up promptly and unless the employer not only is required to return the certificate but is warned that his failure to return it earlier was a violation of law for which a penalty might be imposed and which must not be repeated, employers are, as a rule, careless about the matter. In large establishments where a considerable number of children are employed special systems designed to insure the prompt return of certificates are sometimes found in use and, in general, employers who hire many children are more likely to return their certificates than are employers of fewer children.<sup>23</sup> For this reason it is comparatively easy to enforce this requirement in manufacturing cities where most of the children are employed in large establishments, but special efforts to educate employers must be made in cities where the children are scattered among a large number of places of employment.<sup>24</sup> In many cities of the latter type however, the issuing officers make little or no attempt to secure the return of expired certificates.

This failure to enforce the law gives children the opportunity not only to evade school-attendance requirements but even to evade the

<sup>22</sup> See p. 171.

<sup>23</sup> See p. 212.

<sup>24</sup> See p. 201.

requirement that they secure new certificates when they change positions, and therefore enables them to escape entirely the legal standards designed for their protection.<sup>25</sup> When a child has once escaped school attendance by securing an employment certificate and is older and looks more mature than when he first went to work, he sometimes states that he is over certificate age, in order to obtain a position at an occupation and for hours prohibited for children of that age. If he is not followed up and required either to secure another certificate or to return to school he may be illegally employed for months in a position secured by a lie in regard to his age. Eventually his illegal employment may be discovered by an inspector;<sup>26</sup> but often, doubtless, such a child becomes actually over certificate age before any inspector visits the establishment where he is at work.<sup>27</sup> If statements of age were available and were demanded by employers for all children who appeared to be near certificate age, most of these violations might be avoided, but even then some children would probably escape detection.<sup>28</sup>

Although all children who are temporarily out of work should be required to attend school, much of the unemployment which now exists could, and should, be avoided. In the first place no child should be allowed to leave school on a promise of employment for a temporary position; and in the second place the positions available for children should be given, so far as possible, to those who are unemployed instead of to children who have never been at work and who are in school. Under present conditions children often leave school to be employed, for example, in a department store "sale." Sometimes a child's first position lasts only a day, and frequently it lasts less than a week.<sup>29</sup> In some cases children have secured promises of employment and certificates only to be kept waiting by the employer until there was a vacancy in his establishment, and then, perhaps, have been employed for only a few days. This is demoralizing and serves only to transform a school child into an unemployed child—a problem for the certificate-issuing office and the school-attendance department. Furthermore, under present conditions children who have been at work for some time are often replaced by children who have just left school.

Most of this unnecessary unemployment could be prevented if employers were required to apply to the certificate office or to some other cooperating agency for child workers<sup>30</sup> and, in doing so, to certify

<sup>25</sup> See pp. 129-130. See also pp. 143-148.

<sup>26</sup> See pp. 216-217.

<sup>27</sup> See p. 206.

<sup>28</sup> See pp. 153-155, 200-201, 215-216.

<sup>29</sup> Woodbury, Helen Sumner; *Working Children of Boston*, p. 187. U. S. Children's Bureau Publication No. 89.

<sup>30</sup> See p. 138.



that, though a particular child might, of course, prove to be unsatisfactory, the position itself was not a temporary one. If at the time children with certificates were unemployed, one or more of them could then be sent to apply for the position. If this plan were followed there would be no need to allow children to waste time hunting for work,<sup>31</sup> but they could be kept regularly in school during school hours. This would mean, of course, that children could leave school to go to work only when all the unemployed children, or all such children who were believed eligible for the particular positions offered, had returned to work. To both sets of children, those in school and those at work, the benefits of such a plan would greatly outweigh its disadvantages. Because the children remained longer in school, their educational equipment when they finally entered industry would be better; and as they would be more steadily employed after entering industry, they would waste less time and would earn higher wages. At the same time the demoralizing influence of frequent periods of unemployment would be avoided at the impressionable age when many young persons, doubtless, have been started on a shifting industrial career which has finally landed them in the ranks of the unemployable.

### RECORDS AND REPORTS.

The records to be kept of the administration of a child labor law are important from two points of view—the administrative and the statistical. Statistics can best be compiled, as already noted,<sup>31a</sup> by a State agency, preferably the agency which has general supervision over the issuance of certificates, and the compilation of statistics is an important function of such an agency. No agency charged with the administration of an employment-certificate system, however, should spend upon the compilation of statistics time which is needed to secure adequate enforcement of the law. The statistical purposes of a record system must therefore be subordinated to its administrative purposes. In other words, although a certificate-issuing office is in a position to collect, with comparatively little expense, unusually complete and valuable information in regard to child labor,<sup>32</sup> neither a local office nor a State supervising agency should, as a rule, undertake to tabulate such information unless it is provided with sufficient funds to do so without sacrificing its administrative duties. No additional expense is involved, however, in keeping the records of issuance in such a way that some other agency could tabulate them, and if States could agree upon

<sup>31</sup> See pp. 161–162.

<sup>31a</sup> See pp. 37–38.

<sup>32</sup> See p. 170.

some uniform system of records it would be possible for an outside agency to compile valuable comparative statistics.

From the administrative point of view the records of an employment-certificate office should furnish the basis not only for reports needed by a State supervising agency<sup>33</sup> but also for reports needed to assist the school-attendance department and the industrial inspection department in the performance of their functions in the enforcement of the compulsory school attendance and child labor laws. As already noted,<sup>34</sup> if these laws are to be enforced uniformly throughout a State the forms for reports, as well as for records kept by the issuing office, should be prepared and furnished by a State agency. These reports supply the machinery by means of which the certificate-issuing office maintains its part of the cooperation needed with the other agencies enforcing child labor and school attendance laws.<sup>35</sup>

The chief kinds of records usually kept in a certificate-issuing office consist of duplicate employment certificates or information cards and of documents submitted as evidence of fulfillment of requirements. Records of all the essential facts in regard to every applicant and to every certificate—regular, vacation, or temporary<sup>36</sup>—and every statement of age<sup>37</sup> issued should, of course, be kept on file. In addition to these records directly concerning the issuance of certificates, duplicate copies are usually kept of reports made to the State supervising agency,<sup>38</sup> the school-attendance department<sup>39</sup> and the industrial inspection department,<sup>40</sup> and also of letters sent to employers in regard to the return of certificates<sup>41</sup> or to parents in regard to various matters.<sup>42</sup> Furthermore, in the larger issuing offices at least, a daily record is often kept of the number of certificates of different kinds granted and refused.

In some issuing offices all the documents presented to show fulfillment of the requirements by a child who is granted a certificate, and in others only certain of these documents, are filed. Some laws, indeed, require that all such evidence be filed, while others require filing only of evidence of age, and still others leave this

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<sup>33</sup> See pp. 36-40.

<sup>34</sup> See pp. 36-37. For further discussion of forms for promises of employment see pp. 52-53; for physicians' certificates of health see pp. 95-97; and for school records, see pp. 105-106.

<sup>35</sup> See pp. 18-19.

<sup>36</sup> See pp. 133-152.

<sup>37</sup> See pp. 153-155.

<sup>38</sup> See pp. 35, 36-37, 42.

<sup>39</sup> See pp. 155, 157, 161-162, 171-175, 191-192, 193-194.

<sup>40</sup> See pp. 171, 212.

<sup>41</sup> See pp. 158-159, 161.

<sup>42</sup> For example, as to the parent's appearance, pp. 47-49, or as to preferred evidence of age, pp. 70-73. See also pp. 87, 140, 153.

matter entirely to the discretion of the issuing officers or the State supervising agency. The school record and the promise of employment are usually of no further use to the child and are therefore as a rule filed in the issuing office and destroyed after the child has passed certificate age.<sup>43</sup> The physician's certificate of health is also, as a rule, filed in the issuing office, though a copy, or a more detailed record of the physical examination, is sometimes kept by the physician.<sup>44</sup>

Detailed records of all physical examinations given to applicants should be kept in the issuing office, as well as by the physician if he does not make his examinations in that office,<sup>45</sup> and should be so filed that they can easily be consulted when children apply for subsequent certificates. Especially where, though the law requires that the child be physically fit for the occupation in which he is to engage, not every child is sent to the physician for a new certificate of health when he applies for a subsequent employment certificate, it is essential to even partial fulfillment of the purpose of the law that complete records of all physical examinations be kept in the issuing office and be consulted by the issuing officer before a subsequent certificate is granted without a new physical examination.<sup>46</sup>

The documents presented as evidence of age, on the other hand, are often of permanent value to the child. For this reason they are not so frequently filed in the issuing office as are other forms of evidence, and sometimes only certain types of evidence may be filed—for example, a statement by the local registrar as to the date of a child's birth entered on a form designed for the purpose,<sup>47</sup> or a physician's certificate of age—while others, such as a baptismal certificate or a family Bible, are returned to the child. Even in States where the law requires that evidence of age be filed in the issuing office, such evidence as family Bibles, cups engraved with the date of birth, passports, and even official birth or baptismal certificates, especially if from foreign countries, is sometimes considered either too bulky or too valuable to file in the issuing office, although this provision is complied with in most instances. Sometimes all such documents are placed in a separate file arranged by dates of birth so as to facilitate their return<sup>48</sup> after the children have passed certificate age.

When evidence of age is returned to the child a record is usually kept of the character of evidence submitted; in some offices the principal facts given on the documents are transcribed on a special

<sup>43</sup> See p. 171.

<sup>44</sup> See p. 96.

<sup>45</sup> See pp. 77, 137.

<sup>46</sup> See p. 144. See also pp. 140-141 and pp. 92-93.

<sup>47</sup> See pp. 59, 166-167.

<sup>48</sup> See p. 141.



form provided for the purpose and this form is filed in place of the evidence itself. In a number of offices, before documentary evidence of age is returned, it is marked or stamped in such a way as to prevent the possibility of its subsequent use by another child in applying for a certificate. The use of an official stamp on returned evidence of age, especially if, as in one office, blank spaces in the stamp are filled in with the number of the certificate, the date, and the signature of the issuing officer, would seem to make it impossible for such evidence ever to be used again for an employment certificate, and saves the issuing office the trouble of keeping valuable documents on file and of returning them later.

Although in some places no copy of an employment certificate is kept, in others a duplicate, usually a carbon copy, is made and constitutes the only record, apart from whatever documents may be filed, of the granting of a certificate. Sometimes a second carbon copy of the certificate constitutes the only record which is sent to the State supervising agency.<sup>51</sup> When duplicate copies must be made it is usually found most convenient to have the forms filled in, except for the signatures, on a typewriter. If handwritten, the entries should always be made with ink or at least with an indelible pencil, and not with an ordinary pencil, because of the comparative ease with which changes can be made in a pencil copy—for example, change in the date of birth which would make a child appear to be past certificate age earlier than he actually was. In some cities the date of birth is perforated, instead of written, on each employment certificate in order to make alteration impossible.

Where an employment certificate form is to be used as an office record it should, of course, be made of a convenient shape, size, and thickness for filing, should be concise, and should have its information conveniently arranged for ready reference. The bulky, wordy, inconveniently arranged forms in use in many States and in certain cities in other States are poorly adapted to serve as office records. They are just as poorly adapted, also, to fulfill their main purpose of being placed on file by employers. A certificate form which is really convenient and suitable for the employer usually furnishes also a convenient and suitable office record.<sup>52</sup>

The forms for the various kinds of certificates<sup>53</sup> and for statements of age<sup>54</sup> are usually different, but each such form should contain the information which must be kept in the issuing office for efficient administration of the law relating to the particular type of certificate. A regular employment-certificate form, in addition

<sup>51</sup> See pp. 35, 37, 41-42.

<sup>52</sup> See pp. 36-212.

<sup>53</sup> See pp. 126-130, 148, 151, 152, 190-191.

<sup>54</sup> See pp. 153-155.

to a statement that the child has met the requirements of the law—sometimes stated in detail—or that he has brought the required documents and that these have been duly examined and approved and (sometimes) filed, and that he may be employed, either by any employer and in any occupation or only by the employer and in the occupation specified, according to the type of law,<sup>55</sup> usually gives a considerable number of facts in regard to the particular child. Information commonly given on a regular employment certificate, in addition to the child's name and address and the date of issuance includes the name and address of the employer and usually a statement of the occupation in case the certificate is valid in the hands of only one employer, the date of birth or the exact age of the child at the time the certificate was issued, the character of evidence of age produced, the birthplace, the school last attended, the grade completed, the sex and color of the child, and a physical description covering height, weight, color of hair and eyes, and any distinguishing facial marks. This physical description is intended to assist the inspector in identifying the child, as is also the child's signature which in many States must be placed upon the certificate in the presence of the issuing officer.<sup>56</sup>

In many issuing offices, however, even where duplicates of employment certificates are kept, and in most offices where no duplicates are made, some special form is provided to preserve a complete record of each case. Sometimes this form is a detachable stub affixed to the certificate form and bearing the same number, and contains only facts noted on the certificate form itself. As this type of record is usually adapted only to chronological, or more specifically numerical, arrangement, it does not furnish a file in which information as to a particular child can be found easily and quickly. In fact, at least in the larger offices where such a stub record is kept, it has usually been found necessary to add some other kind of record which could be filed in such a way as to be readily consulted.<sup>57</sup>

Record systems based on duplicates or stub memoranda of certificates issued provide, moreover, for only a minimum amount of information in regard to each child to whom a certificate has been granted and make no provision for any record as to children who have applied but have not yet met the requirements or have been refused.<sup>58</sup> In some offices which have such systems separate records of some sort are kept of all these children, but in many offices no records are kept of applications which have not been acted upon

<sup>55</sup> See p. 129. For instructions to the employer contained on the certificate form see pp. 50, 151-152, 160, 201-202. See also p. 149.

<sup>56</sup> See pp. 46, 214-215.

<sup>57</sup> See pp. 133, 143, 154, 170.

<sup>58</sup> See pp. 133, 171-174.

because the child has failed to return with evidence of fulfillment of the requirements.

The most satisfactory type of record in regard not only to children who have been granted certificates but also to those who have been refused, and in general to all applicants, is doubtless the special information card in use in many offices. At least the child's name, address, and school affiliations can be entered on this card when he first applies, and all other information later collected in regard to him can be added so that this one card will at all times constitute a complete record of each application regardless of its result. In some offices, if the procedure ends in refusal of the certificate the word "Refused," together with the reason, is written, sometimes in red ink, across the face of the information card.

These information cards are sometimes, however, considered to constitute more detailed records than it is necessary to keep for applicants who fail to qualify for certificates. For this reason it is the practice in some offices, where the importance of keeping the names and addresses of all applicants is realized,<sup>59</sup> to enter no data on the information card itself until the child has brought evidence of fulfillment of the requirements, but meanwhile to record on a small "interview" card, usually filed conveniently on the desk of the issuing officer, the applicant's name and address, his school, the date of application, and sometimes other data such as the names of the child's father and mother, his physical description, his teacher's name, and the kinds of documents which he has brought or which he has failed to bring. If the child is later refused a certificate the cause of refusal is entered on this interview card, which then becomes a permanent record not only of application but also of refusal.

The information card itself may, and usually does, contain more information than is given on the employment certificate, and it may, and usually does, contain spaces for entering data in regard to several certificates which may be held by the same child for different positions or occupations.<sup>60</sup> Additional items often entered on an information card include the names, address, and nationalities of the child's father and mother, the father's wages or income, the number of other members of the family who are employed and their contributions to the family budget, the reasons for the child's going to work, his prospective wages, and his reasons for leaving positions. Sometimes information is added in regard to his actual work, hours, and wages in the positions left. The information cards in use in

<sup>59</sup> See pp. 133, 191-192. Where an applicant may be interviewed by more than one officer a record of all the facts in his case should always be kept by the first interviewer, so that, if a different officer handles the case when the child returns, that officer may have available all the information necessary without again questioning the child or the parent as to points covered in the first interview.

<sup>60</sup> See p. 129.



some offices also have spaces on the back for a complete record of the physical examinations given the child,<sup>61</sup> usually arranged, like the record of positions held, in parallel lines or columns, one for each different examination. When the child comes in to apply for a second or later certificate <sup>62</sup> the facts required in regard to that position, any facts desired in regard to his previous position, and the results of his new physical examination are added to his information card, which thus constitutes a complete record of his industrial life—a record which is of great value not only for administrative but for statistical purposes.

Employment certificate records should, of course, be so filed that they can be referred to readily.<sup>63</sup> In general, the simpler the filing system the better. It is usually found convenient, however, to keep separate files of records relating to different kinds of certificates, and also of records relating to unfinished cases. Certificates which have been returned by employers are usually kept in a special file until the children come in for new ones. In most offices they are then destroyed, since other records, either duplicates of the certificates themselves or information cards, contain the same data. The records of children who have been refused certificates are usually, but not always, kept separate from those of children who have been granted certificates. In some offices it has been found most convenient to keep together all records relating to a single child, including both documents submitted in fulfillment of requirements and also duplicates, if kept, of all certificates issued, original and subsequent. Where information cards are used, however, these cards usually constitute a separate file, or separate files for each type of certificate or statement of age. If only one file is kept it must almost necessarily be arranged alphabetically, for the alphabetical arrangement is much the most convenient for reference, and the records for each child must either be placed in a separate folder or envelope, or clipped together. But if two or more files are kept of different documents relating to the same child, only one of these files need be alphabetical. The others can be arranged according to certificate numbers or to dates of issuance, or possibly of application. In such cases the alphabetical file should contain cross references to all other files. Where the main files are arranged numerically or chronologically, an alphabetical index file is sometimes kept, each card giving for the particular child the numbers or dates needed to find all other records relating to that child. Records concerning which some report is required are most conveniently filed separately until after the report for the particular case has been made out.<sup>64</sup>

<sup>61</sup> See p. 96, 166.

<sup>62</sup> See pp. 143-148.

<sup>63</sup> See p. 143.

<sup>64</sup> See pp. 171-175.

In some offices certain documents which may be destroyed after the children have passed certificate age<sup>65</sup> are arranged by dates of birth so as to facilitate the separation at any given date of those relating to the older from those relating to the younger children. Even when this is done, however, the necessary alphabetical file must be looked over at intervals to weed out records of children who are no longer subject to the employment certificate law. Usually these records of the older children are not immediately destroyed, and in some offices they are kept in a separate file for several years, in order that they may be referred to in case the children or their employers apply for statements of age.<sup>66</sup> The need for such a periodical weeding out of records if the files are not to become unnecessarily cumbersome and difficult to use constitutes, of course, an objection to the maintenance of a number of separate files of documents relating to the same children.

In addition to reports to the State supervising agency,<sup>67</sup> and to reports to the school-attendance department concerning unemployed children,<sup>68</sup> reports of all certificates issued and refused should be sent at frequent intervals to the local school authorities, usually to the attendance department, and to the State labor or industrial inspection department if that department is not also the State supervising agency. The disposition of all kinds of applications, those for vacation, temporary, or subsequent certificates as well as those for regular original certificates, should, of course, be reported. Where compulsory continuation school is maintained, moreover, unless registration in that school is part of the procedure of obtaining a certificate, the superintendent or principal should be notified of the granting at least of all original regular or temporary certificates.<sup>69</sup> Furthermore, information should be sent promptly to the school authorities concerning all children whose applications are pending.

The reports of certificates issued which are sent to the inspection department should give not only the children's names and addresses but in States where certificates are made out to individual employers<sup>70</sup> the names and addresses of the employers for whom they are supposed to be working and the occupations for which the certificates were granted.<sup>71</sup>

Reports to the school authorities of the issuance of certificates—except for work only during vacation or out of school hours—are designed to constitute a notification that the names of the children

<sup>65</sup> See p. 166.

<sup>66</sup> See pp. 153-155.

<sup>67</sup> See pp. 37-39.

<sup>68</sup> See pp. 155, 158, 161, 162.

<sup>69</sup> See pp. 138-139, 145.

<sup>70</sup> See pp. 129, 130.

<sup>71</sup> See p. 212.

concerned may be dropped from the school registers. If the names of applicants are dropped as soon as they obtain their school records children who fail to secure certificates or to secure them promptly are very likely to remain out of school in violation of the compulsory attendance law.<sup>72</sup> On the other hand, if the school authorities are not notified of the granting of certificates, as even in large cities they frequently are not, attendance officers, who usually have far too little time for essential duties, are often obliged to visit homes in response to reports of absences from school only to find that the children are employed, and are then obliged to visit their places of employment to find out whether they have certificates.<sup>73</sup> The issuing officer should, therefore, report promptly—preferably on the day the certificate is granted—the name and address of each child to whom a certificate has been issued. Whether this report should be made to the principal of the school the child has been attending or to the school-attendance department, or both, depends upon the organization in the particular city of the work of enforcing school attendance.<sup>74</sup>

In at least one issuing office each child, when he registers in the continuation school as part of the procedure of securing his certificate,<sup>75</sup> is required to fill out a card which states that he has secured a certificate and which gives his name, the date, the name of the school left, and the date of leaving school. These cards take the place of a direct report from the issuing office and are sent daily to the office of the attendance department, where they are checked against the names of children who have been reported by the school principals as having secured school records.<sup>76</sup>

Children who are refused certificates, either permanently or temporarily, should be reported to the school authorities in order that if they have left school they may be sent back. Even where the names of children are not supposed to be dropped from the school registers until notice has been received that they have actually secured certificates,<sup>77</sup> a notification of refusal serves to strengthen the system for keeping them in school. At the same time such a notification often furnishes the school department with information which it should have in regard to the child. To be effective for this purpose the cause of refusal should always be reported. In some offices even where daily reports are made of children who have been granted certificates, no reports are made of those who have been refused and in others such reports are made only weekly or monthly. In

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<sup>72</sup> See pp. 191-192.

<sup>73</sup> See p. 189.

<sup>74</sup> See p. 192.

<sup>75</sup> See pp. 138-139.

<sup>76</sup> See also p. 192.

<sup>77</sup> See also p. 192.



still other offices only children whose school records are faulty <sup>78</sup> or who have failed to pass an educational test <sup>79</sup> or to show fulfillment of the school-attendance requirement <sup>80</sup> are reported to the school authorities. There seems to be no reason, however, why reports of all definite refusals could not be made as promptly as reports of certificates issued. They should be and usually are, however, made separately and upon a different form, for reports of refusals are to be used in an entirely different way from reports of certificates issued—as the basis for follow-up work to secure school attendance instead of as the basis for releasing children from such attendance.

In many cases children who are unable to qualify for regular employment certificates are never actually refused, but merely fail to return to the issuing office. Some of these children may only have come in and made inquiries as to how they could secure certificates, while others may have brought several of the required documents. When a child fails to return, the issuing officer usually has no means of knowing how the procedure would have terminated if it had been completed. In any event, pending applications constitute a third class of cases which should be reported to the school authorities.<sup>81</sup> To make possible such reports, at least the names and addresses and the names of the schools they claim to be attending should be recorded for all applicants for certificates,<sup>82</sup> regardless of whether they bring any evidence whatever of fulfillment of requirements, and even regardless of whether their statements in answer to questions indicate that they may be able to secure such evidence. In some cases information thus obtained may assist later in the discovery of attempts to present fraudulent evidence. But the chief purpose of securing data in regard to all applicants is to make it possible to report these children to the school authorities in order to insure that they shall be required to attend school until they have legal authority to go to work.<sup>83</sup> Children who are restless and wish to go to work are in special need of prompt attention if they are absent from school even for short periods.

These reports of all applicants are particularly important because through them the school authorities may receive information as to newcomers to the city who are not enrolled in any school <sup>83</sup> and may, by sending them to school, prevent their illegal employment. Children of or near working age who have come recently to a city, either from some other American city or State or from abroad, often do not

<sup>78</sup> See pp. 103-104, 105.

<sup>79</sup> See pp. 111-117.

<sup>80</sup> See pp. 104, 117-120.

<sup>81</sup> See pp. 134, 168-169, 191-192.

<sup>82</sup> See pp. 168-169.

<sup>83</sup> See pp. 191-192.

enter school immediately but attempt to go to work. Such a child may succeed in securing work without an employment certificate and never appear at the issuing office; and in that case his illegal employment can be discovered only by an industrial inspector. In a city where the child labor law is reasonably well enforced, however, he is likely to find difficulty in securing a position without an employment certificate;<sup>85</sup> in that case he goes to the issuing office to find out how he can secure one. If the issuing officer fails then to ask for his name and address and to find out whether he is in school, he is left as free as before to violate both the compulsory school attendance and the child labor laws. In case he finds he can secure a certificate, of course, he usually comes back with the requisite documents; but in case he finds that he can not fulfill the requirement, he frequently succeeds eventually in securing a position where the employer does not ask for a certificate. If, on the other hand, the issuing officer records and reports to the school-attendance department the name, address, and school-attendance status of each such child, and if that department takes the necessary action in the case, it becomes just as difficult for him as for a child who is enrolled in school to violate either the school attendance or the child labor laws.

In some issuing offices, therefore, the names of all applicants are taken and all those who have neither been granted nor refused certificates within a definite period are reported to the school authorities. In certain offices all children whose applications are pending at the end of each month, and in others all those who have not come back within a week or 10 days from the date of their first application, are thus reported. At least weekly reports should be made of all such cases, for if only monthly reports are made the children who are out of school can not be followed up promptly enough, and some of them may even have changed their addresses before an attendance officer visits their homes.

In many issuing offices, however, no record is made even of the names of applicants until they have brought satisfactory evidence of fulfillment of one or more of the requirements. In some offices moreover, even where records are kept of all applicants, the names of children who are delayed in securing their certificates or who fail to return are not reported to the school authorities, and in others only the names of children who are delayed for some special reason known to the issuing officer, are thus reported. In some cities failure to make such reports is believed to be justified because, if any child is absent from school, he is supposed to be reported to the school attendance department and, if the absence is found to be illegal, to be sent back.<sup>86</sup> In few cities, however, are absences from all schools

<sup>85</sup> See pp. 200-201.

<sup>86</sup> See p. 190.

public, private, and parochial, reported promptly to the school-attendance department. Furthermore, this view fails to take into account the possibility previously mentioned<sup>87</sup> of evasion of both school attendance and child labor laws by children who, because they are newcomers to the city or for some other reason, are not enrolled in any local school.

Reports from the issuing office to the school-attendance department are sent in various ways, sometimes by telephone and frequently by mail; but in some cities school-attendance officers call regularly at the issuing office for these reports. In many cities the reports consist merely of lists of names and addresses of the children granted and refused certificates; but in the larger cities it has usually been found most convenient to use a separate card for the report on each case, or at least on each case of refusal or of delay which must be investigated by attendance officers. When this is done the cards relating to certificates issued can readily be sorted and sent to the different schools which the children have been attending, and those relating to refusals and pending cases are ready for use by the school-attendance department. In some cities it has been found convenient to have duplicate reports sent from the issuing office to the school-attendance department.<sup>88</sup> One copy of a report of issuance can then be forwarded to the child's school principal while the other is filed in the office of the attendance department. Furthermore—and probably this is of more practical assistance—one copy of a report of refusal or of delay can then be given to an attendance officer while the other is filed as an office record. In some cities regular truancy cards, such as are used for any child who is reported absent from school, have been used as reports to the attendance department that children have been refused certificates. Especially because of the need for giving the cause of refusal, however, special cards are preferable. Wherever the same facts are to be given in two or more reports, either to the same or to different agencies, carbon copies are usually made to save clerical labor.

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<sup>87</sup> See pp. 173-174.

<sup>88</sup> See pp. 191-192.



## METHODS OF ENFORCING SCHOOL ATTENDANCE.

The possession of an employment certificate constitutes the required proof that the child has met the minimum-age, physical, and educational requirements of the child labor law and usually also that he has been enrolled in whatever school he is expected to attend while at work. Other methods are necessary, however, to insure that all working children secure certificates, that they return to school when unemployed, that they attend continuation or evening school if required, and that they are not employed in occupations or for hours forbidden by law.

Rigid enforcement of school attendance up to the age when certificates are no longer required can prevent the employment during school hours of under-age children and of children of certificate age who have failed to obtain legal authorization to work; but to prevent employment without certificates outside school hours reliance must be placed mainly upon some system of inspection of work places.<sup>90</sup> As to the enforcement of provisions requiring that children return to school when unemployed and that employed children attend continuation or evening school, though certificate-issuing offices must furnish the necessary information as to the children to whom these requirements apply,<sup>91</sup> school authorities must be relied upon for their enforcement. The enforcement of compulsory school attendance laws is, indeed, the first requisite for the enforcement of child labor laws.

The effectiveness of the school-attendance machinery in enforcing child labor laws depends upon the relation between the ages during which children are required to attend school, or to attend if not legally employed, and the ages at which they may go to work and during which they are required to hold employment certificates if at work.<sup>92</sup> Furthermore, it depends upon the number of occupations and places of employment for which certificates are required and the number in which children can be legally employed without holding certificates. The enforcement of school attendance can be most effective in preventing employment without certificates where no child of certificate age is permitted to stay out of school for any purpose without securing some form of certificate exempting him

<sup>90</sup> See pp. 200-226.

<sup>91</sup> See pp. 138-139, 145, 155, 157-163.

<sup>92</sup> See pp. 177-180.

from attendance.<sup>93</sup> Only to the degree in which the school attendance and employment certificate laws are thus correlated does the machinery devised for the enforcement of the former automatically and simultaneously enforce the latter.

Only to the degree in which the school attendance law is actually enforced, moreover, does it assist in preventing violations of the child labor law even during school hours. It is necessary to consider, therefore, the agencies through which school attendance is enforced and their methods, especially how they handle the problems which have the most direct bearing upon the administration of child labor laws.

### RELATION OF SCHOOL AND EMPLOYMENT AGES.

The compulsory school attendance law of a State affects both the legal standards and the enforcement of the legal standards for the employment of children. It determines whether unemployed children are required to attend school and, if so, at what ages.<sup>94</sup> At the same time it usually covers, so far as work during school hours is concerned, some children and some occupations—such as agricultural work and domestic service<sup>95</sup>—which are not covered by the child labor law. Finally, as already noted,<sup>96</sup> a compulsory school attendance law which is closely correlated with a child labor law furnishes a kind of basic system of supervision over all children by which their illegal employment may be prevented at least during school hours.

During the ages when certificates are required (usually from 14 to 16) children in most of the States are exempted from school attendance if they are "regularly and lawfully" employed. In many States the employment must be in some "useful" occupation or service, and in some, as has been mentioned, the children must be so employed for at least six hours a day.<sup>97</sup> Nevertheless in most States some children who can not meet the requirements for an employment certificate may be "regularly and lawfully employed."<sup>98</sup> In at least one State, though employment certificates are required by the labor law only in occupations and places of employment listed a child is not exempt from school attendance under the compulsory education act unless he has secured an employment certificate. In another, employment certificates are in practice required in nearly all occupations by an interpretation of the list of establishments covered which is based, at least in part, upon the conception of the employment

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<sup>93</sup> See pp. 14-17, 177-178, 190-191.

<sup>94</sup> See p. 14.

<sup>95</sup> See p. 8.

<sup>96</sup> See pp. 176-177.

<sup>97</sup> See p. 152.

<sup>98</sup> See p. 16.

certificate as an administrative aid in the enforcement of school attendance. In still another State children who leave school between the ages of 14 and 16 years are obliged to secure either employment certificates or "special home permits,"<sup>99</sup> and as the latter are good only for nongainful work in the children's homes it follows that for any gainful employment during school hours they must secure employment certificates. This State and at least one other provide for special certificates for children 14 to 16 years of age who are employed during school hours in the two chief occupations not covered by the labor law—domestic service and farm work. A few other States have followed this example by providing for "nonattendance permits" or "school-exemption certificates" for all children of compulsory school age who wish to leave school for lawful purposes that do not oblige them, under the law, to obtain employment certificates.<sup>1</sup> And in certain cities such certificates or permits are issued, without any special legal authorization, to children who may be legally absent from school under the given circumstances. All these provisions are designed primarily to assist in the enforcement of the compulsory school attendance law, but incidentally they assist in preventing illegal child labor by extending the application of the certificate system.<sup>2</sup>

In some States lack of definite correlation between the school-attendance and employment-certificate ages limits the effectiveness of these provisions. In a number of States, for example, school attendance is compulsory only until the age of 14 years, that is, only up to the minimum age for employment; and in one State school attendance is compulsory only until the age of 15, though employment certificates are required until the age of 16.

This lack of correlation or incomplete correlation between the maximum compulsory school-attendance age, the minimum age for employment, and the years of age during which employment certificates are required means, not only that unemployed children are not required to attend school,<sup>3</sup> but that the machinery for enforcing school attendance either can not be used or can be used only in part to assist in preventing illegal employment. Children who are allowed to leave school without having secured certificates of some sort are lost to the school system and may go into industrial occupations without the knowledge of the educational or of the permit-issuing authorities. In all States, therefore, in which the ages for compulsory school attendance and for employment certificates of some sort are not completely correlated a situation is created which is not only

<sup>99</sup> See p. 190.

<sup>1</sup> See pp. 190–191.

<sup>2</sup> See pp. 14–17, 176–177, 190–191.

<sup>3</sup> See p. 14.



demoralizing to the children who may not legally go to work but who may legally be out of school, but is also inimical to the enforcement of the child-labor standards, for in practice it is extremely difficult to prevent the illegal employment of these children.

The same situation is also created wherever, as in a considerable number of States, children who are either below the minimum age or of certificate age are exempted from school attendance because they have completed a specified grade, or for some other reason, without regard to whether they are employed.

Wherever the compulsory school attendance law is correlated with the certificate law the enforcement of the former serves also to enforce the latter. But the direct effect of the enforcement of school attendance in preventing illegal employment applies, as already stated, only to employment during school hours. This means that during the school term the occupations in which a child who is not exempt from school attendance may engage are limited to those which can be pursued before or after school hours or on Saturdays. The length of the school term differs, however, among States and among cities and districts of different sizes within the same State. Usually the districts having the shortest periods of school attendance are in agricultural sections, so that the influence of compulsory school-attendance laws in limiting the agricultural labor of children<sup>3a</sup> is decidedly weakened; this type of work, moreover, readily lends itself to part-time employment.

In some States school attendance is compulsory only for a portion of the period during which school is in session. In these States children may be legally absent from school while it is in session merely for the reason that they have already attended for the required period. Under such a law, of course, the work of attendance officers is rendered much more difficult than under a law which requires children of school age to be in school during the entire session.

To make it possible to prevent the illegal employment of children out of school hours and during vacations all children of regulated ages who are employed at any time should, of course, be required to hold certificates.<sup>4</sup> Nevertheless, in States where the school year is of reasonable length and where the compulsory-attendance and employment-certificate ages are closely correlated, the efficient enforcement of attendance alone will limit the opportunities for illegal employment outside school hours to a comparatively narrow field. If the highest age up to which children were required to attend school were the same as the highest age up to

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<sup>3a</sup> See p. 8.

<sup>4</sup> See pp. 16-17.

which employment certificates were required, if employment certificates were required up to the highest age to which any regulation of the labor of minors extended, and if no minor of compulsory school-attendance age were allowed to remain out of school without some sort of certificate exempting him from attendance, then the school authorities would be in position to prevent the illegal employment, at least during school hours, of every child of an age to which any special regulation applied.

### SCHOOL-ATTENDANCE DEPARTMENT.

The enforcement of school attendance, both in regular full-time schools and in continuation and evening schools, is the duty, wherever any adequate provision has been made for it, of school-attendance officers working usually under the supervision of the local superintendent of schools. In some States the State department of education has general supervision over school attendance, which usually means merely that it receives, or is supposed to receive, reports of attendance; that it furnishes or drafts blank forms to be used, for example, in reporting absences from school; or that it exercises some supervisory function in connection with the school census. The law of one State, however, provides for a State board of attendance which is required to appoint a State attendance officer,<sup>5</sup> to fix the qualifications of local attendance officers<sup>6</sup> and to remove them from office in case of incompetence or neglect of duty, as well as to design and require the use of a uniform system of attendance reports, records, and forms.<sup>7</sup> The State attendance officer appointed by this board has general supervision over and must inspect the work of the attendance officers of the State and has authority to initiate court action whenever necessary for the enforcement of the school attendance law.<sup>8</sup> In certain other States, even where not required by law, State attendance officers have been appointed by the State board or department of education. In a very small group of States, local attendance officers are assisted by State agents.<sup>9</sup> Sometimes, too, county attendance officers are employed in rural sections.<sup>10</sup>

Wide variations are found in the provisions made by different States, and in most States by different communities, for enforcing school attendance. The laws of a number of States require that at least one attendance officer be appointed in each school district, city, or township, while those of other States require that attendance

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<sup>5</sup> See p. 181.

<sup>6</sup> See p. 182.

<sup>7</sup> See pp. 180-182, 190.

<sup>8</sup> See p. 182-183.

<sup>9</sup> In at least one State local attendance officers may be appointed by the State board of education under certain conditions. See pp. 195-196.

<sup>10</sup> See p. 181.

officers be appointed in all cities or towns of a certain class based on population. In at least one State police officers and county sheriffs are charged with the duty of enforcing school attendance in the smaller communities. In some States, however, the law does not require, though it may authorize, the appointment of attendance officers, and as a result many communities have none and others have an inadequate number. Even in States which require the appointment of attendance officers the number required is frequently inadequate, and each officer is obliged to handle so many cases or to cover so large a territory that he is unable to make personal investigations of all children reported to be out of school or to make them promptly enough to prevent considerable periods of illegal absence, and must often of necessity drop especially difficult cases. In order to secure more uniformly efficient enforcement of the compulsory school attendance law at least one State has provided that the State commissioner of education may withhold one-half of all public-school moneys from any city or district which, in his judgment, "willfully omits and refuses," after due notice, to enforce the provisions of that law. Furthermore, the laws of some States provide that attendance officers shall be liable to penalties for knowingly or willfully failing in their duty of enforcing the law.

Each community should have, of course, an adequate number of full-time attendance officers, the number needed depending on the school population and its distribution, to enforce the compulsory school attendance law. In rural districts the appointment of county attendance officers,<sup>11</sup> especially if they are furnished with automobiles to save time in making visits, is likely to prove the best method of meeting this need.

Furthermore, if a school attendance law is to be adequately enforced in all parts of a State, its enforcement should be placed under the supervision of a State agency.<sup>12</sup> State supervision is needed, not only to secure uniformity of enforcement in all communities throughout a State, but also because of the frequency with which families move from one part of a State to another. A State supervising agency not only could secure systematic reporting of all cases of removal but could serve as a clearing house for those cases, of which all cities have at least a few, in which children disappear and can not be found by the local school authorities.

The efficiency of a school-attendance department depends to a great extent, as will become evident when the methods of locating and keeping children in school are discussed, upon a thorough system of notifications, reports, and records.<sup>13</sup> If, therefore, a school attendance

<sup>11</sup> See p. 180.

<sup>12</sup> See p. 180.

<sup>13</sup> See pp. 183-192.



law is to be uniformly and efficiently enforced throughout a State, the forms needed for such a system, like those needed in the administration of the employment-certificate system,<sup>14</sup> should be furnished, and their use should be required, by the State supervising agency.<sup>15</sup> In many States these forms are furnished by local school authorities and differ widely from place to place within the State. In some cities the forms have been carefully designed to furnish the basis for a thorough and efficient system, but in many not all the necessary forms have been provided and those which are furnished are sometimes ill adapted to their purpose. Furthermore, some attendance departments, even in cities where fairly complete records are made, fail to keep their files in such shape that the record of the work of attendance officers in regard to any particular child can readily be found. In general, it is safe to say that the notifications and reports will not be uniformly made and the records, if made, will not be uniformly filed throughout a State unless the work of attendance officers and departments is placed under the definite supervision of a State agency provided with funds, not only to furnish all necessary blank forms, but to send out supervisors to see that these forms are properly used and that, in general, the work of local attendance departments is carried on efficiently.<sup>15</sup>

Attendance officers are usually appointed by the superintendent of schools or by the school board on his recommendation, though in some cities which have a municipal civil service commission they must pass an examination given by that commission, and in at least one State candidates for positions as attendance officers in the larger school districts must secure special certificates similar to those required for teachers.<sup>15</sup> They should, of course, be persons of tact and judgment, energetic and conscientious in the performance of their duties, and free from political influence. They should be thoroughly familiar with every detail of the laws and regulations relating not only to school attendance but to child labor, and should be skillful both in handling children and parents and in cooperating with school principals, teachers, and industrial inspectors. The laws of some States provide that attendance officers shall be liable to penalties for knowingly or willfully failing in their duty of enforcing the law.

School-attendance officers are often given police powers and are authorized to institute legal proceedings<sup>15</sup> against parents, and sometimes against employers,<sup>19</sup> for violations of the compulsory school attendance and sometimes also of the child labor law. In many

<sup>14</sup> See pp. 35-37.

<sup>16</sup> See p. 180.

<sup>19</sup> See p. 189.

States they are given power to arrest without warrant any child of compulsory school-attendance age who is a truant from school and is found away from home, and may return the child to school or to his parents, and in some States they may turn over habitual and incorrigible truants to a police magistrate or a juvenile court for commitment to a truant school.

### METHODS OF LOCATING CHILDREN.

To enforce a school attendance law efficiently it is essential that some public agency keep a record of all the children of compulsory school age in the community and know whether every such child is in school, is lawfully employed, or is neither in school nor lawfully employed. In cities where the superintendent of schools keeps a central file of school records<sup>21</sup> of all children in public schools this file, if kept constantly up to date, constitutes a convenient record of enrollment, and sometimes also of attendance, of public-school children, and in cities where it covers parochial-school children it constitutes such a record, at least of enrollment, of all children who are in school in the community. This file must be based, however, on the registers of the various schools, which constitute the basic records not only of the names and addresses of all children enrolled in any school in the community but also of their attendance.

School-attendance officers are usually authorized, therefore, to examine the registers of public schools and in a number of States also of private and parochial schools. In many States, however, the records of private and parochial schools are not required by law to be open to the examination of attendance officers and, though some such schools in these States permit inspection of their registers, others do not cooperate in any way with the attendance department. Without such cooperation thorough enforcement of a compulsory school attendance law is practically impossible. The registers of all schools attendance at which is accepted as fulfilling the requirements of the compulsory school-attendance law should be open to the inspection of attendance officers.<sup>22</sup>

Much more difficult is the problem of locating children who are not enrolled in any school. Of the various methods by which these children may be discovered the first and most important is a school census. In a school census all children of school age, of course, and sometimes younger children, are enumerated, whether or not they are in school. It therefore furnishes the attendance department in cities where that department does not have access to the registers of private and parochial schools with useful information in regard to

<sup>21</sup> See pp. 99-100.

<sup>22</sup> See p. 188.

children who are enrolled in those schools. Its chief value in most places, however, is that it locates children who are not attending any school.

### School census.

A school census of some sort is taken in most States, at least in the larger cities or in the more congested and poorer districts of such cities. Though usually taken by local officials in most States it is subject to more or less supervision from the State department of education, which, as a rule, furnishes the blank forms required. In some districts school principals, teachers, or attendance officers take the school census, in others regular police officers have taken it (usually in their own districts), and in other districts temporary enumerators are employed. In some places it has been found that more complete returns were secured by paying enumerators according to the number of names they secured, so much a name, but this ought not to be necessary if permanent employees take the census. As a rule more accurate and also more uniform results are secured where the census is taken by permanent than where it is taken by temporary employees. Census enumerators should be qualified for their work and should thoroughly understand how to secure the most accurate results; and in some cities certain of them should understand the foreign languages spoken by large groups of inhabitants since otherwise it becomes necessary to hire interpreters who usually are not so well qualified to secure census data as the enumerators themselves. Where a school census is to be used to assist in the enforcement of school attendance, economy of labor can usually be effected by intrusting the school-attendance department with its immediate supervision. This is the practice in many cities.

In most States a school census is taken only once a year, and in some only once in periods of from two to five years. But in the larger cities of at least one State where the main purpose of the school census is to assist in the enforcement of the compulsory school-attendance law "permanent census boards" have been established.<sup>23</sup> A child who comes to a community where a census is taken only once a year may—if he arrives just after it has been completed—be for an entire year not only illegally absent from school but illegally employed, unless he happens to be discovered by an attendance officer or an industrial inspector or through one of the other comparatively ineffective methods of locating children. A "permanent census" not only locates these children much more quickly but can be used also to discover children who are illegally absent from a school which has failed to report promptly their absence.<sup>24</sup>

<sup>23</sup> For methods found in use in conducting a permanent census, see p. 187.

<sup>24</sup> See p. 190.



The time of year when an annual school census is taken is important if the census is to be used in locating children who should be sent to school. To be of maximum efficiency for this purpose a school census should be taken soon after the school year has begun in September.

Where only an annual census is taken it is also important that a sufficient number of enumerators be provided to cover each city or school district both carefully and rapidly; if the work is carelessly done children will be overlooked, and if it is not done rapidly families will have moved during the progress of the canvass and thus some children will be omitted entirely while others will be enumerated twice. Accuracy is especially needed in securing the proper, and in some cases the alternative, spellings of names. In many places the census is so carelessly taken that little use can be made of the returns in enforcing school attendance.

All children who are required by law to attend any kind of school, whether a regular day school or a continuation or evening school,<sup>25</sup> either all the time the school is in session or when unemployed,<sup>26</sup> should, of course, be included in the school census. The amount of information secured in regard to each child also affects vitally the use of census returns in locating children who are not enrolled in school. Where, as in a few States, the law providing for a census does not even require that the names and addresses of the children be taken because its sole purpose is to determine the distribution of funds, the census may, of course, be of no use whatever in connection with the enforcement of school attendance.

A school census is usually taken by means of a house-to-house canvass, and the information is secured, in most cases, from one of the child's parents or some other member of the family, perhaps the child himself. Where the census is anything more than an effort to ascertain the number of children in the community, the blank forms call for recording at least the name, address, date of birth, and school attended or, if employed, the name and address of the employer, of each child, and usually also for the name and address of his parent or guardian. In some States, unfortunately, the form calls only for the child's age and not for the date of birth. Other facts often obtained include the color, sex, grade attained, literacy, physical condition, and place of birth of the child and the place of birth of each of his parents. Under "physical condition" is recorded whether the child is feeble-minded, crippled, blind, or deaf. In one city it was found that the child's address at the time of the last previous census was also secured and that the results of each census

<sup>25</sup> For enforcement of attendance at such schools see pp. 195-200.

<sup>26</sup> For enforcement of school attendance of unemployed children, see pp. 193-195.

were later entered in a permanent card catalogue which contained each child's record in parallel columns for each year during which he had been required to attend school. This method would, of course, considerably increase the value of school census records as evidence of age.<sup>27</sup> Sometimes the forms used provide only for lists by street numbers, but where the methods of taking and using the census have been most carefully developed they provide for a separate card record of each family, or, better, of each child.

In certain places where a house-to-house canvass is made of children of compulsory school age, and in others where no such regular census is taken, each child in school, or the oldest child in each family, is required to fill out a card giving information not only concerning himself but also concerning other children in his family and sometimes concerning other children living in his neighborhood—for example, all children who live in the same building. In some cities these cards are made out about the time the school census is taken and in others they are made out at the beginning of the school year. Where a regular census is taken they are generally used, instead of school registers or lists of enrolled children furnished by the schools, to check the census returns.<sup>28</sup> In some places at least it has been found that these school cards made out by the children not infrequently give the names of older brothers or sisters not mentioned by the parents, who may be illegally employed, and also that they sometimes reveal misstatements of age by the parents. Where no regular census is taken these card records made out by the children in school, if they contain facts in regard to other children especially of other families, serve, in part at least, the purposes of such a census; for they often give the names of children who are not enrolled in school, and sometimes give those of children who are employed illegally. Unless these records are made out, however, in all schools, private and parochial as well as public, they do not furnish a complete enumeration even of the children who are enrolled in school, and the use of information thus secured as to those who appear not to be enrolled often involves unnecessary visits to the homes of children who are regularly attending some school from which cards have not been received.

In one city it was found that certain easily available information was secured before beginning the house-to-house canvass and that the enumerators started their work with this information entered in books by districts. First the school-attendance officer, in his capacity as supervisor of the school census, sent to all the schools—public, private and parochial—slips on which were to be recorded the

<sup>27</sup> See p. 65.

<sup>28</sup> See p. 188.

name, age, birthplace, and the names of the parents of each child enrolled. Public-school principals were required to give also the child's grade, and to report the same facts, so far as known, in regard to all children of whom they had knowledge who were not attending school. The names of nonattendants were secured, for the most part, by questioning the children in school. At the same time the certificate-issuing officer was asked to record on similar slips the names and addresses of children who were at work on employment certificates. Furthermore, under a special provision of law permitting the attendance officer twice a year to demand of employers the names, ages, and addresses of all children under 16 years of age employed by them, he secured from the State industrial inspector's office a list of all inspected establishments employing children and sent to these establishments blank forms asking for this information.

In these books the enumerators also placed the names of all children found during their canvass who were not already on the lists. At the same time the names of children not found at the addresses given were crossed out. Later, however, the various lists were checked together to see that all the names crossed off were accounted for at some other address. The facts secured by the enumerators in their canvass included not only those entered on the slips obtained from the schools, but also the number of weeks each child had attended school during the previous year and, if the child had not been in school during any part of that year, the reasons for nonattendance. Finally, the slips, one for each child enumerated in the final canvass, were arranged according to the addresses secured in that canvass for use in enforcing school attendance.

The methods of taking a permanent census may be similar to those of taking an annual census, the chief difference being that in taking the permanent census the enumerators are continually at work and therefore discover newcomers and changes of address with comparative promptness.

The information secured in the course of a school census is usually filed by school or attendance districts, but in some places an identification card is also made out for each child or family, and this card, which either indicates where the complete record is to be found or is a duplicate of the original card, is filed alphabetically. Where this is done the record for any child in the city can easily be found even though his place of residence at the time of the enumeration is not known.

The use of school census lists to prevent violations of the compulsory school attendance and child labor laws requires that all



cases of illegal absence from school or of illegal employment be reported promptly to the proper authorities to be handled in the same way as violations discovered by other methods.<sup>29</sup> Often such cases are apparent even before the lists are checked with the school registers or the records of the certificate office.

Newcomers who have neglected to send their children to school, for example, and immigrant families who may not even know that their children are required to attend, usually are clearly indicated in the returns.

A census enumerator, however, must depend upon the statement of the parent or other person whom he interviews and, therefore children may appear upon the census lists as enrolled in school who are not actually enrolled. Furthermore, even if the census form call for information as to whether a child who is employed has secured a certificate, which is rarely the case, the report may be incorrect. In addition to following up promptly all children reported as neither in school nor legally employed, therefore, the school attendance department should secure the names of and should follow up all children who have been incorrectly reported as in school or at work on the authority of certificates. To do this the department must check up promptly the census lists with the school registers<sup>30</sup> and with the records of the certificate-issuing office.<sup>31</sup>

In order to facilitate comparison with the census lists some State laws require that at a certain time of the year, usually about the time the census is taken, principals send enrollment lists to the superintendent of schools or the school-attendance department. Unfortunately these enrollment lists are sometimes required only from public and not from private or parochial schools; and though some of the latter voluntarily send them, such cooperation must be specially arranged and can rarely be relied upon to make the lists of enrolled children complete.

### Other methods.

Children who are not enrolled in school may be located by methods other than the school census, two of the most important being reports from immigration authorities and from industrial inspectors. Newly arrived immigrant children are sometimes discovered through reports sent by officials of the United States Bureau of Immigration at certain ports to the school authorities in the cities for which the immigrant families are bound. In at least one State the law requires that the State industrial commission procure, with

<sup>29</sup> See p. 190.

<sup>30</sup> See p. 183.

<sup>31</sup> Where the school census is taken by or under the supervision of the school-attendance department, complete lists of children who have been granted certificates are, usually available in its own office. See pp. 171-172.

the consent of the Federal authorities, complete lists of the names, ages, and destinations of all immigrant children of school age bound for places in that State and furnish copies of these lists to the school authorities in the localities to which the families state they are going.

Children who should be in school but have gone to work illegally are often discovered, of course, through the inspection of industrial establishments. School-attendance officers are frequently given by law the same power as industrial inspectors to visit places of employment and demand certificates.<sup>32</sup> In some cities and towns where they have time for this work in addition to their regular duties the attendance officers use this power to make more or less regular inspections, but as a rule they go to a place of employment merely to inquire about a particular child who has been reported as illegally absent from school,<sup>33</sup> leaving to the labor department the systematic inspection of industrial establishments.<sup>34</sup> The latter department should, however, and in some places does, report to the school authorities all cases of children of compulsory-attendance age who are found by its inspectors to be illegally employed.<sup>35</sup> In a few States industrial inspectors have general authority to enforce the school attendance law; but since they have not the same facilities for following up cases of nonattendance they should even in these States, in addition to ordering back to school children who are found to be illegally employed, report all such violations to the proper school authorities.

On the other hand, school-attendance officers who find children illegally employed should report such cases to the labor or industrial inspection department in order that the department may have an opportunity to inspect the establishment for other violations<sup>36</sup> and to take such action against the employer as the circumstances may warrant. Although school-attendance officers sometimes have authority to prosecute employers, as well as parents,<sup>37</sup> for violation of the compulsory school attendance and child labor laws, it was found that they usually left the prosecution of employers entirely in the hands of the labor or industrial inspection department. In many places, indeed, attendance officers practically never visit places of employment,<sup>38</sup> but report all cases requiring such visits to the inspection department as violations or suspected violations of the child labor law.<sup>39</sup>

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<sup>32</sup> See pp. 202, 204.

<sup>33</sup> See pp. 172, 189.

<sup>34</sup> See p. 202.

<sup>35</sup> See pp. 219, 222-223.

<sup>36</sup> See pp. 209-210.

<sup>37</sup> See p. 182.

<sup>38</sup> See pp. 189, 202, 203.

<sup>39</sup> See p. 210.

## METHODS OF KEEPING CHILDREN IN SCHOOL.

As compared with locating children who are not enrolled in any school, the keeping of children in school after they have once entered seems a simple matter. The names and presumably the addresses of these children are known at least to the authorities of the schools which they are attending and all that is necessary is to see that they do not drop out of school without legal excuse. This can not be done, however, without close cooperation between each school—public, private, or parochial—and the attendance department, through a system of reports and counterreports which must be carried on systematically and thoroughly. When there is any loophole in the necessary network of reports to and from schools and attendance department children inevitably drop out of school in violation of the compulsory attendance law; any such child may, of course, also be employed in violation of the child labor law.

No attempt is made in this report to discuss in detail the methods used in keeping children in school such as the reporting and following up of absences to see that the children return to school, and of all transfers from one school to another to see that the children actually enter the schools to which they are transferred.<sup>40</sup>

All the work of attendance officers in keeping children in school is simplified and facilitated, moreover, by the provision of some form of school-exemption certificate for every child who, though not an applicant for an employment certificate, is not obliged to attend school.<sup>41</sup> Furthermore, special methods are required to prevent absence from school during the period between application for a school record to use in proof of educational qualifications for an employment certificate and the actual granting or refusal of such a certificate.<sup>42</sup>

**School-exemption certificates.**

Usually school-exemption certificates are issued by the office which issues employment certificates; this office has, therefore, a record of all children who are legally absent from school for work, whether at home or elsewhere, and whether or not engaged in occupations for which employment certificates must be secured. Special permits, even if required only for work of some kind as housework at home or domestic service or agricultural labor, assist greatly in the enforcement of the school attendance and child labor laws.

The requirements for obtaining school-exemption certificates vary according to the grounds upon which exemption from the provisions

<sup>40</sup> These methods are discussed in detail in *Administration of Child Labor Laws*, Part I, Employment-Certificate System of Connecticut, pp. 26-27; Part II, Employment-Certificate System, New York, pp. 66-70; Part III, Employment-Certificate System Maryland, pp. 51-55; Part IV, Employment-Certificate System, Wisconsin, pp. 78-82.

<sup>41</sup> See pp. 190-191.

<sup>42</sup> See pp. 191-192.



of the compulsory school attendance law is claimed. Where the exemption is for any form of labor it usually applies only to children over a certain age, generally 14, and evidence of age is therefore the first, and sometimes the only, requirement. Usually the same evidence of age is demanded as for a regular employment certificate.<sup>43</sup> Sometimes evidence must also be shown either that the child's services<sup>44</sup> are needed or that he is to be engaged in "profitable employment at home." Where the exemption depends either upon need or upon the character of work in which the child is to be engaged if exempted, an attendance officer is usually sent to the home to investigate before the certificate is granted. Furthermore, in some States a child, in order to be granted such a school-exemption certificate, must have attained a certain grade in school. In that case, of course, a school record showing completion of the given grade must be presented by the applicant.<sup>45</sup> In most States the conditions under which permission to be absent from school may be granted are more or less indefinite; nevertheless, in some cities the superintendent of schools has put into effect definite rules to govern the issuance of school-exemption certificates.

Although certificates or permits of some sort for all children exempted from school attendance assist the attendance department in keeping track of all children in a community, nevertheless, if such certificates are not to be used illegally that department must not only investigate carefully each application but must also reinvestigate from time to time to see that the conditions under which the exemption was granted still exist. Where such reinvestigations are not made it is easy for the children to enter, without the knowledge of the school authorities, occupations for which they should have employment instead of merely school-exemption certificates, or occupations in which their employment is entirely prohibited by the child labor law.

### **Applicants for certificates.**

The practice of recording at the certificate office the names and addresses of all applicants<sup>46</sup> not only assists in locating newcomers who are not enrolled in any school<sup>47</sup> but also, as already noted,<sup>48</sup> assists in keeping children from dropping out of school before they can legally go to work. In many cities, however, children are permitted to drop out of school as soon as they have received school records to use in application for employment certificates. In other words, any child believed to be of certificate age who can meet the

<sup>43</sup> See pp. 53-73.

<sup>44</sup> See pp. 11, 28, 31, 45-46.

<sup>45</sup> See pp. 99-111.

<sup>46</sup> See pp. 134, 173-175.

<sup>47</sup> See pp. 173-174.

<sup>48</sup> See p. 173.

educational requirements for an employment certificate is allowed to leave school on application even though he may not apply for such a certificate for some time if at all, and even though when he applies he may be much delayed in obtaining it or may even be refused because of lack of satisfactory evidence of age or of a promise of employment<sup>49</sup> or because he is pronounced by the examining physician to be physically unfit for work. To prevent such violations of the compulsory school attendance law close cooperation is necessary between the certificate-issuing office, the schools, and the attendance department.<sup>50</sup>

Where all children who have been definitely refused certificates or have been delayed in securing them, as well as all who have been granted certificates, are reported promptly by the issuing office to the school authorities,<sup>51</sup> and where the attendance department follows up promptly those who have left school,<sup>52</sup> children who apply for certificates usually can not, of course, be illegally absent for long periods. Even short absences, however, not only are unnecessary and decidedly undesirable but constitute distinct violations of the school attendance law. Furthermore, this system of reports from the issuing office does not provide for the group of children who, after securing their school records,<sup>53</sup> fail to apply for employment certificates; and if children find that securing a school record is sufficient to exempt them from school attendance, many may take advantage of this opportunity to stay at home or "loaf" or go to work illegally. Presumably not all such children could pass the physical examination for an employment certificate, and as documentary evidence of age is seldom required to obtain a school record some of them may be below the minimum age for employment.<sup>54</sup> Thus in many cases both the compulsory school attendance and the child labor law may be violated.

If such violations of law are to be prevented school principals must either notify the attendance department of the names and addresses of all children to whom they have issued school records to be used in making application for employment certificates, or keep the names of such children on their registers until notified by the issuing office or the attendance department that employment certificates for work during school hours have actually been secured, and report promptly all absences.<sup>55</sup>

<sup>49</sup> For use in this connection of a requirement that evidence of age or a promise of employment, or both, shall be presented before a school record is issued, see pp. 102-103. See also p. 104.

<sup>50</sup> See pp. 18-19. For the use of a school-attendance requirement for an employment certificate to prevent such violations, see pp. 117-120. See also p. 134.

<sup>51</sup> See pp. 172-173.

<sup>52</sup> Children who are refused certificates should be told, of course, to return to school. See p. 140.

<sup>53</sup> See pp. 99-107.

<sup>54</sup> See pp. 101-103.

<sup>55</sup> See p. 190.

## ATTENDANCE OF UNEMPLOYED CHILDREN.

One of the most difficult problems which must be met by a school-attendance department is the enforcement of attendance of children who, though they have been granted employment certificates, have never actually gone to work or have become unemployed.<sup>56</sup> This department secures information as to such children mainly through a system of reports, which has already been described,<sup>57</sup> from the certificate-issuing office. In cities where a continuation school is maintained, however, it often receives reports of unemployment from that school. In some of these cities children are supposed to notify their continuation-school teachers when they are unemployed.<sup>58</sup> In others, if a child is absent from continuation school the teacher or principal makes inquiries of the employer for whom the records show the child to be working and thus learns whether he has left the position; but where the school officials discover a child's unemployment only in case he fails to attend school, their reports can not, of course, be relied upon to cover all cases of unemployment. As a rule, employers are a more accurate source of information as to the termination of positions than are the children concerned.<sup>59</sup>

The records of the employment-certificate office, therefore, and the reports made by that office to the school-attendance department, are the most important factors in the system for sending unemployed children back to school. As a matter of fact, so far as children who have once been granted employment certificates are concerned, the compulsory school attendance law is practically a dead letter in all places where the issuing officer does not have records or make reports concerning unemployed children.<sup>60</sup> Where, indeed, a child is granted a certificate which may be used for any employer, and can change his position without a report being made to the certificate office or the school authorities, it is frequently, if not usually, considered by the school-attendance department that an employment certificate is a permit to be out of school regardless of whether or not the child is actually at work.<sup>61</sup>

Under the system of reporting in effect in most cities, as already noted,<sup>62</sup> the attendance department does not, as a rule, receive a report

<sup>56</sup> Very similar is the problem of enforcing attendance of children who have held temporary certificates which have expired. See pp. 149-150.

<sup>57</sup> See pp. 157-158, 161-162.

<sup>58</sup> See p. 156.

<sup>59</sup> See pp. 155-156.

<sup>60</sup> See p. 162.

<sup>61</sup> See pp. 129, 157-158.

<sup>62</sup> See pp. 161-162.



that a child is unemployed until he has been out of work for from one to six weeks, and this period may be indefinitely prolonged in case the employer has failed to return the employment certificate or termination notice promptly after the child left his service.<sup>63</sup> Furthermore, in many cities the school-attendance department takes no notice of such reports when they are made or makes so little effort to return the children to school that issuing officers consider it scarcely worth while to report cases of unemployed children or to complain if employers are careless or slow in returning certificates. In only a few cities is any serious attempt made to send all unemployed children back to school.

This neglect of school-attendance officers to enforce the attendance of unemployed children is partly due to pressure of other duties, but more to a belief that an unemployed child will soon secure another position and that he can not be kept in school without constant watchfulness. The realization that the child can gain but little by a further brief period of attendance upon classes organized as they are in the regular day schools, and that his presence there will only make more difficult the work of an overburdened teacher also is a factor in this neglect. The length of time each particular child has been out of school and whether the school year has just begun or is well advanced are taken into consideration by most attendance officers, even in places where some effort is made to follow up unemployed children and see that they return either to school or to work. If the child has not been out of school long and if the work of the school year has not proceeded far they usually make special efforts to send him back to school; but if he has been out for some time and the school year is well advanced they usually place the emphasis upon his securing a new position and a new certificate. As a result, though some children who have been out for only a short time may be persuaded to go back to school, few of those who have been at work for any length of time are ever required to do so. Instead, attendance officers usually allow these children further time, even after the delays incident to reporting the fact of their unemployment,<sup>64</sup> to hunt for positions.

In few city school systems is any provision made for the needs of unemployed children. Sometimes these children are placed in ungraded classes; but though this arrangement disposes of them without serious difficulty to the school authorities it does not give the children a kind of instruction calculated to be of any particular use to them. Even in many cities where continuation schools are maintained, these schools have not attempted to meet the needs of

<sup>63</sup> See pp. 159-163.

<sup>64</sup> See pp. 159-160.

unemployed children nor has any attempt been made to secure longer hours of attendance for unemployed than for employed children. The courses of study usually provided in continuation schools are much more flexible and better adapted to the needs of a child who is temporarily unemployed, however, than are the courses of the regular day schools. Even where no special classes have been provided for their instruction, therefore, unemployed children are sometimes required to attend continuation school,<sup>65</sup> instead of regular day school, for five days a week, usually for the entire school session. In a few States the law provides that children who are required to attend continuation school part time when employed shall attend 20 hours a week when unemployed; and in certain cities special classes have been organized in these schools for unemployed children.

If all children at work who have employment certificates were obliged to attend continuation school for a certain number of hours each week they would have the advantage regularly of a school course upon which they could profitably spend several hours a day whenever they were out of work, even for short periods. Under such circumstances there would be no excuse for allowing even children who had been at work for a year or more to wander the streets when unemployed. If employers secured their child laborers through the certificate-issuing office of some cooperating placement bureau, as already suggested,<sup>66</sup> children would not need to waste any time seeking positions. Even without such a provision, regular daily attendance at continuation school would leave several hours a day for a child to hunt for work, and the continuation-school hours might be so arranged as to give an unemployed child the best hours for that purpose.

#### CONTINUATION AND EVENING SCHOOL ATTENDANCE.

The duty of enforcing attendance at continuation or evening schools rests as a rule upon the local school authorities, especially upon the principals and teachers of the schools and upon the school-attendance department. In some places where the law makes attendance at such a school a condition of employment the industrial inspection department also becomes responsible for its enforcement.<sup>66a</sup> Although a State educational agency usually has general supervision over such schools, it does not often take any direct part in enforcing attendance. In at least one State, however, the State board of education may appoint attendance officers in districts which fail to enforce the provisions of the law relating either to

<sup>65</sup> For methods of enforcing continuation-school attendance see pp. 195-199.

<sup>66</sup> See p. 163-164.

<sup>66a</sup> See pp. 197, 198, 506, 218.

the issuing of employment certificates<sup>67</sup> or to the enforcement of continuation-school attendance. The expenses of these officers are made a charge against the district and deducted from the State apportionment of funds.

As in the case of attendance at regular day schools, the enforcement of continuation- or evening-school attendance requires first that all children to whom the law applies<sup>68</sup> be enrolled and, second, that they attend regularly after they have been enrolled.<sup>69</sup> Under a law which requires the attendance only of children who hold employment certificates,<sup>70</sup> registration or reports to the school at the time children obtain their certificates<sup>71</sup> serves to secure the enrollment of those who should attend, so far as the certificate law itself is enforced. When, however, the law applies also to children—employed or not employed—who are not required to hold certificates,<sup>72</sup> other methods must be used if the requirement of continuation-school or evening-school attendance is to be thoroughly enforced. The most effective method, obviously, is to follow up all children subject to this requirement who drop out of the regular day schools, but all the methods of locating newcomers to a city<sup>73</sup> are also needed. A requirement that all children who are legally exempt from regular school attendance hold some sort of special certificate to prove their exemption<sup>74</sup> is of great importance in this connection. In addition, in some cities where it is illegal to employ children who have not attended school regularly, employers have been required to send in just before the beginning of the school session cards containing the names and addresses of all the children in their establishments who were subject to the law. In at least one State where the law originally applied only to employed children<sup>75</sup> it was found that the attendance of enrolled children during periods of unemployment was so irregular that the instruction given was of little value, and consequently the law was changed to require the attendance of all children, whether employed or not, who were not attending a regular day school.<sup>76</sup>

In order to avoid unnecessary hardship to employers through the enforcement of continuation-school attendance, the time for which must usually be deducted from the hours during which children are

<sup>67</sup> See pp. 41-42.

<sup>68</sup> See p. 183 et seq.

<sup>69</sup> See p. 189 et seq.

<sup>70</sup> See p. 13.

<sup>71</sup> See pp. 138-139. See also p. 145.

<sup>72</sup> See p. 13.

<sup>73</sup> See pp. 183-189.

<sup>74</sup> See pp. 16, 190-191.

<sup>75</sup> See p. 13.

<sup>76</sup> For attendance of unemployed children at a continuation school instead of a regular day school, see pp. 194-195.



permitted by law to work, the children are usually assigned to classes according to the convenience of their employer (so far as is feasible), who is also notified in some way of the hours when each child in his employ is required to be in school.

Once children are enrolled, their attendance is enforced usually by one or more of three chief methods. First, the attendance department, by notices to the parents and visits to the homes of the children, may bring to bear the same sort of pressure as in the case of regular day-school attendance.<sup>77</sup> Second, in some States it is illegal to employ children who have failed to attend as required by law, and in these States pressure can be brought to bear on employers to discharge such children.<sup>78</sup> Third, the certificates of employed children who have failed to attend regularly may be suspended or revoked.<sup>79</sup> A fourth method, which has been found effective in at least one State, is to require children to make up school work lost through absence. Sometimes this is required only for absences which are unexcused, but usually for all—or all except those caused by sickness. If a child knows that he will be obliged to make up every absence he is not likely to remain away from school unnecessarily. This method can be used easily, however, only in the cases of children who are employed or have been promised positions, and whose certificates can be revoked or delayed, or their discharge ordered if they fail to make up the absences as required.<sup>80</sup> Because of these special penalties available when working children fail to attend continuation or evening school, these schools are able in some cities to enforce their own attendance with little or no assistance from the regular attendance department.

Where the school-attendance department is relied upon to enforce attendance at continuation or evening schools it must, of course, receive from those schools prompt reports of all absences, which are usually sent weekly, though in certain cities immediately, and must investigate such absences without delay. Sometimes regular attendance officers and sometimes special officers designated to enforce attendance at the particular type of school handle these reports. If the child is employed the report usually gives the name and address of his employer and the attendance officer's first inquiry is made at his place of employment.

The revocation or withholding of employment certificates for non-attendance at continuation or evening school usually requires the cooperation of the local authorities who issue them or of the State authorities who supervise their issuance or have general authority to

<sup>77</sup> See p. 190.

<sup>78</sup> See pp. 197-198, 198-199, 204, 217-218.

<sup>79</sup> See pp. 30-31.

<sup>80</sup> See p. 145.

enforce the child labor law. Furthermore, as already noted,<sup>81</sup> this method is possible only in States where some agency has authority to revoke a child's certificate for nonattendance or for general reasons other than because it has been illegally issued.<sup>82</sup>

Where certificates are either revoked or withheld as a penalty for nonattendance at continuation or evening school it is necessary to guard, by strict enforcement of the employment certificate law, against the possibility of the illegal employment of children whose certificates have been revoked or who are unable to secure promptly subsequent certificates. Although such control over certificates can be made an effective aid in enforcing continuation or evening-school attendance it should not as a rule, because of this danger, be the only method used. All absentees should be followed up promptly and compelled to attend school by whatever methods may be required in addition to the revoking or withholding of certificates.

Laws which prohibit the employment of a child of a given age or one who fails to meet a given educational standard unless he is regularly attending an evening or continuation school,<sup>83</sup> usually require reports of such attendance to be sent to the employer, either through the child or directly, and sometimes provide that such reports be "displayed" or kept on file by the employer, open to the inspection of industrial inspectors and attendance officers. Sometimes it is considered the duty of an industrial inspector to see not only that certificates, but also that satisfactory reports of attendance at continuation or evening school, are on file for all children employed in the establishments they visit.<sup>84</sup>

In some places a card showing that a child has been present is given him at each session which he attends, and in others such a card is given at the end of each week; this card is usually taken by the child to his employer, who perhaps keeps it on file, often in an envelope with the child's certificate. In other places the form of report card in use provides for the reporting of attendance over a considerable period, as 10 weeks or the entire school term. In that case the card may be kept at the school and sent weekly, or perhaps only monthly, to the employer; or it may be kept by the employer and sent by him at regular intervals to the school for entry of the attendance report and the principal's or teacher's signature; or it may be kept by the child and presented for the entry of his attendance report whenever he is present at the school. When the card is kept regularly at the school it is impossible, of course, for

<sup>81</sup> See p. 197.

<sup>82</sup> See pp. 30-31. See also *Administration of Child Labor Laws*, Part 4; Employment-Certificate System, Wisconsin, pp. 85, 88-89. U. S. Children's Bureau Publication No. 85, Washington, 1921.

<sup>83</sup> See p. 197.

<sup>84</sup> See pp. 204-218.

the employer to produce it as evidence that the child is legally employed. In that case attendance officers are supposed to receive reports of absence from the school, but industrial inspectors have no convenient method of discovering whether the law is being obeyed. In some places employers are required to sign the weekly reports of attendance before returning them to the school; but in others they receive no reports whatever unless a child who is working for them is absent. In the latter case they receive a telephone message, postal card, or form letter from the school or the attendance department, or both, asking for an explanation of the absence and stating that if the child does not attend regularly as required by law he must be discharged. Where regular reports of attendance are sent to the employer he is held responsible for their receipt and for discharging the child in case they show unexcused absences. These report cards usually contain instructions to the employer as to his duties in connection with school attendance.<sup>85</sup> When regular reports are not sent to the employer he is held responsible only after he has received a notice from the school authorities, usually in writing, that the child is not attending school as required by law.

Neither the method of revoking the child's certificate nor that of holding the employer responsible for discharging the child in case of unexcused absences is of any assistance in enforcing attendance during periods of unemployment. At such times the methods available for enforcing the attendance of children under working age or of other nonworking children must be chiefly depended on, and the parent, as well as the child, must ultimately be held responsible.<sup>86</sup> Because of differences both in the methods needed to enforce and in the requirements<sup>87</sup> concerning school attendance of employed and of unemployed children, the authorities of the continuation or evening school, or of the attendance department, if that department is solely responsible for enforcing attendance, must be informed whenever a child leaves a position.<sup>88</sup> In at least one city a clerk from the continuation school checks up each morning the file of returned certificates at the issuing office, and changes the continuation-school record card of each child whose certificate has been returned from an "employer's" file to an "unemployed" file. Even during periods of unemployment children are more likely to be regular in their attendance if they know, as they do in some cities, that they will be obliged to make up all school work lost through absences before they can secure subsequent certificates for new positions.<sup>89</sup>

<sup>85</sup> See also p. 201.

<sup>86</sup> See p. 190.

<sup>87</sup> See pp. 13, 194-195.

<sup>88</sup> See pp. 159-162.

<sup>89</sup> See pp. 145-197.



## INDUSTRIAL INSPECTION.

The inspection of places of employment is in all States an important method of enforcing the certificate—and therefore the age, educational, and physical <sup>90</sup>—requirements for entrance into industry, and at the same time is the chief, if not the only, method of enforcing the standards as to hours of labor and dangerous occupations.<sup>91</sup> So far, indeed, as the enforcement of school attendance does not automatically prevent the illegal employment of children, the inspection of places of employment must be relied upon to accomplish that end. The inspector, however, should be able to rely upon employment certificates,<sup>92</sup> not only for checking up the children he finds in an establishment, but also for furnishing evidence as to which of them are subject to special regulations governing hours and occupations.

As compared with the methods available to a school-attendance department for following up cases and compelling obedience to the law on the part of each individual child, the methods which are feasible for an industrial-inspection department are at best incomplete. A child may be employed illegally in an establishment the day after an inspector has visited it and found no violation of the law. The cost of inspecting establishments often enough to enforce the law by inspection alone, without either the willing or the enforced assistance of employers, would be prohibitory.

Inspection serves, however, to bring home to employers their responsibility for the observance of the law. If no employer were willing to run any risk of employing a child illegally,<sup>93</sup> children under age and without certificates would not be able to secure positions either during or outside school hours, and violations of the laws relating to hours of labor, dangerous occupations, and even continuation-school attendance, would disappear. No matter how well school attendance is enforced employers must be held responsible for their part in preventing illegal employment.

The efficiency of inspection can not be measured by its cost per child discovered to be illegally employed. Indeed, where inspection

<sup>90</sup> For a discussion of the requirement that any child found at work by an inspector may be compelled to have a physical examination in order to continue in employment see p. 93. See also pp. 73, 74, 211.

<sup>91</sup> For a discussion of the effect on the efficiency of an inspection system of limitations on the application of standards, see p. 14.

<sup>92</sup> See pp. 5, 16-17.

<sup>93</sup> For the use of statements of age to prevent such risk, see p. 155. See also pp. 215, 216.

is most efficient few such children are found because the employers either know the law too well or are too fearful of its penalties to employ children contrary to its provisions. Although the cases of illegal employment which can be discovered and remedied through inspection are comparatively few in number, and although children may work for months without being visited by an inspector, the function of inspection in educating employers both to understand and to obey the law is essential to the enforcement of child labor legislation.

This education of employers is accomplished not only through visits of inspectors but also through special instructions printed sometimes in leaflets or pamphlets and sometimes on the forms which are sent to employers,<sup>94</sup> especially the employment-certificate form, and through skillful press stories. In some States careful instructions are prepared for the use of employers and, in addition, when important changes in the law go into effect inspectors devote considerable time to visiting employers in order to instruct them in the provisions of the new law and secure their cooperation in its enforcement. The problem of educating small employers is an especially difficult one and requires constant vigilance on the part of the inspection department.

When an employment-certificate form is used to assist in the education of employers either the face or the back of the certificate may be devoted to this purpose. Sometimes especially important points are printed in large type on the face of the certificate, but the back is customarily used for more detailed instructions as to filing of permits, hours of labor, prohibited occupations, continuation-school attendance—sometimes also regular day-school attendance if unemployed—and the return of a receipt or commencement notice and of a termination notice or the certificate itself when the child leaves the position.<sup>95</sup> Sometimes entire sections of the law, or complete lists of prohibited occupations, are printed upon the back of an employment certificate, and not infrequently provisions which are either especially important or especially liable to be neglected are printed or underlined in red. Usually when the back of the certificate is thus used a conspicuous notice on the front calls the attention of the employer to these instructions. Unfortunately in some States instructions to the employer appearing on the certificate form are confused by the combination with them of information in regard to the legal requirements for the issuance of

<sup>94</sup> See pp. 36-37, 52-53, 151-152, 158, 160, 199. For other methods of educating employers to return certificates or notices of commencement or termination of employment, see pp. 146-147, 159-160. See also p. 204.

<sup>95</sup> See pp. 158-160.

certificates, usually designed as instructions to the issuing officer,<sup>96</sup> with which the employer has nothing to do. If the employment-certificate form is to be an effective means of educating employers the instructions placed upon it should either be designed exclusively for that purpose or be given in separate sections, one clearly labeled for the employer.

Much may be accomplished by securing the voluntary cooperation of employers, and this method should be used so far as it can be to prevent violations of the law. Some employers, however, will always be found who, though they understand fully all the provisions of the child labor law, will violate it if not deterred by fear of punishment. The education of employers must come in part, therefore, through prosecutions and the imposition of penalties,<sup>97</sup> and the work of an inspection department must consist largely in efforts to detect violations and secure evidence. Even though it is impossible to discover every violation, or even to convict every violator, punishment of one employer, especially if severe, serves as a warning to many others. The employer who knowingly employs children in violation of the law must do so because he finds it profitable, or at least not costly, to do so. For this reason the success of an inspection department in securing respect for the law depends in large part upon the severity of the possible penalties and upon the cooperation of the courts.

### ORGANIZATION.

Most States provide for the inspection of industrial establishments to discover violations of any provision of the child labor laws by a State agency, usually the labor or industrial-inspection department charged with the enforcement of other labor laws but in a few States a child welfare or child labor board or commission or the State department of education. In some States the administration of all labor laws has been placed under a board or commission the work of which is organized into divisions one of which is a department of inspection. As a rule the agency which has the duty of inspection also has general authority to enforce the child labor law.<sup>98</sup> Usually school-attendance officers, and sometimes agents of the State board of education, police officers, probation officers, and officers or agents of societies for the prevention of cruelty to children, have power to make such inspections, but it is rarely, if ever, considered to be the duty even of attendance officers to visit industrial

<sup>96</sup> See pp. 35-36, 40-41.

<sup>97</sup> See pp. 223-226.

<sup>98</sup> See pp. 34-35.



establishments except to follow up individual cases;<sup>99</sup> and as a rule the systematic inspection of such establishments, even when a function of the State board of education, is done by special labor or industrial inspectors.

In a number of States the work of inspection has been divided among two or more entirely separate agencies, each one responsible for the enforcement of the law in establishments of a certain type. The most common division of this function has been between factory and mine inspectors, but certain States have had also special departments for the inspection of hotels, mercantile establishments, places where food is prepared, and other specified places of employment.<sup>1</sup> Such division of responsibility results necessarily in lack of uniformity in methods of inspection and in standards. Often, moreover, the chief function of each such agency has been to enforce some law other than that regulating child labor, and, as a result, the latter law has been unevenly enforced and in some cases entirely neglected.

Although in most States where the work of inspection has been divided each group of inspectors has been responsible for the enforcement of all provisions of the child labor law in certain industries or kinds of establishments or occupations, in at least one State agents of the State board of education are responsible for the enforcement of the minimum-age and employment-certificate provisions and inspectors of the State labor department are responsible for the enforcement of the provisions relating to hours of labor and dangerous occupations. Such a division of function is rarely if ever desirable because it requires double inspections of the same establishments, which are inconvenient and annoying to the employer and expensive to the State.<sup>2</sup> Where the laws to be enforced in an establishment are numerous and complex, double inspections are sometimes essential for different purposes; but laws specifically designed for the regulation of child labor are so closely connected that separate inspections designed to enforce different standards can not possibly be desirable.

Inspections should, of course, be made in all kinds of establishments and places where children might be employed. Even when the chief inspection agency has general authority to enforce the child labor law, if that law is to be thoroughly enforced the agency should have, in addition, the specific duty of inspecting all places to which the provisions of the law apply.<sup>3</sup> Only where the law

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<sup>99</sup> See p. 189.

<sup>1</sup> For a discussion of the distribution of the work of inspecting various types of establishments among different divisions of the same department, see p. 206.

<sup>2</sup> See Administration of Child Labor Laws, Part I, Employment-Certificate System, Connecticut. U. S. Children's Bureau Publication No. 12, Washington, 1915, pp. 48-50.

<sup>3</sup> See pp. 8-17.

directs in broad terms inspection of all places where children are or may be employed is the inspection system adequate to enforce a child labor law which applies to the employment of children in any place.

In order to assist inspectors in their work the laws of most States provide at least that employers shall keep employment certificates on file open to the inspection of authorized persons.<sup>4</sup> Many States also provide that employers shall keep and post lists of all the children of certain ages in their employ. These lists must usually give the children's names, ages, and addresses. A special penalty is sometimes provided for failure to keep them. If employment certificates are carefully filed, however, these lists are of little if any use and many inspectors rarely, if ever look at them. As a rule lists of employees are of practical value only when they give the names of young persons who are not required to hold employment certificates but whose labor is regulated in some way, or when they give the hours of labor.<sup>5</sup> In some States, too, where inspectors are expected to assist in enforcing continuation-school attendance, employers must keep attendance reports on file.<sup>7</sup> Another common legal provision, designed primarily for the education both of the employer and of his employees, is that a copy or abstract of the law relating to the employment of children must be posted in establishments where they are employed.

Unfortunately the assistance which might be rendered by these and other legal provisions is sometimes weakened by failure to make them apply to all places in which child labor is regulated. The description of establishments in which certificates must be filed is not always the same as that of establishments for employment in which certificates must be procured.<sup>8</sup> In at least one State only employers having in their establishments five or more children of regulated ages are obliged by law either to keep certificates on file or to post lists. Again, the description of establishments in which lists must be kept and posted is not always the same as that of establishments in which certificates must be filed.<sup>9</sup>

Inspectors usually have legal authority to enter and go through the establishments under their jurisdiction at any reasonable time and in most States employers are liable to penalties for refusing to admit them or for hindering or obstructing them in their work. In some States, however, they are or may be hampered by lack of suffi

<sup>4</sup> See p. 15.

<sup>5</sup> See p. 217.

<sup>6</sup> See pp. 195, 197, 218.

<sup>7</sup> See pp. 198, 199.

<sup>8</sup> See p. 15.

<sup>9</sup> See Administration of Child Labor Laws, Part 4, Employment-Certificate System Wisconsin. U. S. Children's Bureau Publication No. 85, p. 23.

cient legal power, as, for example, when they have authority to demand the production of certificates but not specific authority to go through establishments to see that no children are employed without certificates or otherwise illegally.

As a rule inspectors have other regulations, in addition to child labor laws, to enforce. In the case of industrial inspectors these other regulations usually relate to safety and sanitation, and to the hours of labor—and sometimes other labor conditions—of women workers. If considerable technical knowledge is required, as for the inspection of safety appliances on machinery or of sanitary conditions, special inspectors are sometimes assigned to this work. Such an inspector can not, of course, be expected to pay much attention to anything except his specialty and should not usually be relied upon for the detection of illegal child labor which involves special difficulties with which he is not familiar.<sup>10</sup> Yet, as before mentioned,<sup>11</sup> in certain States the sole reliance for the detection of child labor in mines is placed on inspectors whose chief duty is to enforce elaborate and highly technical laws governing the safety and sanitation of mines. Similarly it was found in one State that inspectors whose chief duty was to protect the public from unclean or contaminated food were relied upon to enforce also the child labor law in the establishments which they inspected. Where inspectors are intrusted with many other duties, and especially where the other duties require careful attention to details of a highly technical character, they are practically certain to neglect the enforcement of the child labor law, which usually seems to them a comparatively simple matter but which, nevertheless, requires special procedure and carefully devised methods<sup>12</sup> which they do not have time to apply, or sometimes even to learn.

In most States inspection for the enforcement of all labor laws is supported by legislative appropriation for the inspection department or departments or for the board or commission under which such a department operates. In certain States, however, the inspection of industrial establishments is at least partially supported by fees. In one such State the amount of the fee depends on the number of employees in the establishment and employers can be required to pay for only two inspections a year unless the discovery of violations makes additional inspections necessary. Employers can be fined for failing or refusing to furnish to the inspector a correct statement of the number of employees or for refusing to pay the inspection fee. Unfortunately it has been found that under this sys-

<sup>10</sup> Even the medical inspector mentioned on p. 93 is not usually qualified to enforce all provisions of the child labor law.

<sup>11</sup> See p. 203.

<sup>12</sup> See pp. 209-221.



tem, though inspections are made regularly in large establishments having a considerable number of employees, the small establishments, where violations are most likely to occur, are usually neglected. Furthermore, this system necessitates elaborate expense accounts. As a rule the efficient conduct of the work of an industrial inspection department requires regular and definite appropriations.

The organization of an inspection department depends largely upon the size and industrial character of the State, upon the number of places of employment over which it has jurisdiction, and upon the number of laws which it has to enforce. The larger industrial States are usually divided into districts, with an inspector or group of inspectors assigned to each. When a State is thus divided the department usually has, in addition to its main office at the capital, branch offices in one or more large cities.<sup>13</sup> Sometimes a department has separate divisions for the inspection of different kinds of establishments, as for example divisions of factory, mercantile, and home-work inspection; and sometimes the duty of enforcing the woman and child labor laws in all kinds of establishments is assigned to a special division which has no responsibility over inspections for violations of other laws.<sup>14</sup> Even where the enforcement of woman and child labor laws is not thus made the duty of a separate division, the number of points to be covered in a complete general inspection of an industrial establishment is in some States so large that special inspections for violations of the child labor law, and generally also of the woman's work law, are sometimes made, either by special inspectors assigned to this particular branch of work or by regular inspectors temporarily detailed for the purpose.

In few, if any, States, do the amounts appropriated for the use of inspection departments enable them to secure the number of inspectors necessary to visit all places of employment as frequently as they should be visited. In some States the woman and child-labor inspectors are engaged chiefly in visiting places where alleged violations of the law have been reported and have little time left, after following up complaints, for systematic canvasses of their districts; and in most States the entire force of inspectors is so small in relation to the number of establishments that all places of employment can not be visited more often than once a year—or even as frequently as that. As a result, children may easily be employed for long periods in violation of the law, and in some cases may not be discovered until they are past the age when their labor should have been prevented or regulated.<sup>15</sup> The number of inspectors should be sufficient to in-

<sup>13</sup> See p. 222.

<sup>14</sup> See p. 209. The organization of a department into divisions under a common head is not, of course, open to the criticism that it results in lack of uniformity in methods and standards. See p. 203.

<sup>15</sup> See p. 163.

sure at least semi-annual inspections of all establishments in which children are employed, and such special inspections and investigations as may be necessary to insure the protection of the children.<sup>16</sup>

Like certificate-issuing<sup>17</sup> and school-attendance<sup>18</sup> officers, inspectors charged with the duty of enforcing a child labor law should be energetic, efficient, and, if possible, specially trained persons of high character and ideals. The work of inspection requires knowledge of the best methods of approaching employers and managers and of detecting violations of law in their establishments, for which considerable initiative and ingenuity are often necessary. Furthermore, it requires knowledge of the methods of certificate issuance<sup>19</sup> and of the enforcement of school attendance<sup>20</sup> and close cooperation with the issuing office and the attendance department. Only under a merit system of appointments and of tenure of office is it possible to obtain for this work thoroughly qualified persons and to insure that they shall stay in office long enough to secure general compliance with the law. Inspectors charged with the duty of enforcing a child labor law, as well as other labor laws, should be entirely free from political influence and should, so far as practicable, be both naturally adapted to and specially trained for their work.

The great majority of persons undertaking the work of industrial inspection in this country, however, are not trained or at least not adequately trained, for their work, in some places chiefly because of the absence of proper standards for their appointment but often, even where such standards exist, because of lack of adequate provision for their training. In many States a new inspector is usually sent out with one who has been for some time in the work, in order to learn methods of inspection, of detecting violations, and of securing evidence. Frequently the teacher in such cases knows little more than the pupil, and sometimes his instruction may be even worse than useless; but if the inspector chosen to train the new employee is thoroughly competent his lessons are invaluable. In addition to such training, lectures by and conferences with the most competent of the experienced inspectors would be helpful to beginners. These lectures might well include information as to industries and their special characteristics from the inspector's point of view. Furthermore, examinations should be given, not only on the laws which the inspector is expected to enforce, but also on rules and regulations

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<sup>16</sup> See Minimum Standards for Child Welfare, p. 5. U. S. Children's Bureau Publication No. 62, Washington, 1919.

<sup>17</sup> See p. 20.

<sup>18</sup> See p. 182.

<sup>19</sup> See pp. 124-175.

<sup>20</sup> See pp. 176-199.

issued by the department<sup>21</sup> and on whatever other instruction has been given. Even after such training new inspectors will have much to learn by experience, and those who are best adapted to the work will have ample opportunity to develop methods more effective than those of their predecessors.

As in the case of certificate issuance, if the work of inspection is to be uniform throughout a State all the inspectors not only must be properly trained but must work, after they are trained, under uniform and effective supervision. Where two or more departments inspect for violations of the child labor law<sup>22</sup> uneven enforcement is inevitable, and this is true even where inspections in different kinds of establishments are made by different divisions of the same department<sup>23</sup> unless the work of these divisions is properly coordinated. Supervision over the inspection of all places of employment, and in general over the enforcement of the child labor law, should be the function, therefore, of a single department.<sup>24</sup>

Furthermore, where the work of inspectors even in the same department is not effectively supervised the methods used by different inspectors are sure to differ considerably, and the quality of work done will depend upon the training and personal characteristics of each individual. Industrial inspectors, like certificate-issuing<sup>25</sup> and school-attendance<sup>26</sup> officers, are liable in some States to a fine for knowingly or willfully violating or failing to comply with the provisions of the law, but they can not be fined for failure to know or to apply the best methods of detecting violations. The inspection department, therefore, not only should provide each inspector with detailed instructions or regulations to govern his work but should also exercise active supervision in order that its regulations may be carried out uniformly and efficiently. The instructions furnished should cover the technique of inspection, including the best methods of procedure, interpretations of the law as to what constitutes a violation, and the procedure to follow in dealing with and in securing legal evidence of violations.<sup>27</sup> The power to exercise the needed supervision is already possessed in most States by the head of the inspection department, and the law of at least one State provides that the work of woman and child labor inspectors shall be guided by rules and regulations such as to "secure uniformity of action and proceedings throughout the State."

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<sup>21</sup> See p. 208.

<sup>22</sup> See p. 203.

<sup>23</sup> See p. 206.

<sup>24</sup> See pp. 34-35. See also Minimum Standards for Child Welfare, p. 5. U. S. Children's Bureau Publication No. 62, Washington, 1919.

<sup>25</sup> See p. 34.

<sup>26</sup> See p. 182.

<sup>27</sup> See p. 224.



For effective supervision over the general enforcement of a child labor law <sup>28</sup> a thorough understanding of all the processes by which the illegal employment of children may be prevented is essential. For this reason each department having such supervision—in most States the inspection department—should have at least one officer who understands thoroughly the details of employment certificate issuance and of the enforcement of school attendance as a preventive of illegal employment as well as the details of industrial inspection for violations of the child labor law. This officer should not only prepare all instructions and regulations for the guidance of inspectors, but as a rule, should have supervision over the issuance of certificates throughout the State.<sup>29</sup> He should be in charge of educational work designed to secure enforcement of the child labor law and of any special investigations of child labor which may be undertaken from time to time by the department.

Furthermore, the department enforcing the child labor law should be legally entitled to the cooperation of local school-attendance departments in so enforcing attendance at school as to prevent, in all possible instances, the illegal employment of children during school hours,<sup>30</sup> and the officer of the enforcing department who has general supervision over the child labor law should report to the State agency which has supervision over the enforcement of attendance<sup>31</sup> all cases of failure on the part of local attendance officers to furnish such cooperation. Because of the large number of technical points involved in the enforcement of a child labor law this officer should not, at least in the larger industrial States, have any other duties, not even over the enforcement of the laws regulating the labor of women,<sup>32</sup> for the methods required in enforcing all other laws are quite different from those required in enforcing a child labor law. Furthermore, the department should have as many additional employees as may be required, depending upon the size and industrial character of the State, to enforce adequately every provision of the child labor law, the additional employees working, of course, under the supervision of a specially qualified director.

### METHODS.

The chief problems of an inspection department are how to discover the places where children are employed and whether they are legally or illegally employed in those places. As a rule inspection departments keep lists of industrial establishments, including all

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<sup>28</sup> See pp. 34-35.

<sup>29</sup> See pp. 34-35, 42-43.

<sup>30</sup> See pp. 176-199.

<sup>31</sup> See p. 181.

<sup>32</sup> See pp. 205, 206.

places which have been previously inspected and others established or brought to the attention of the department since the last inspection. The laws of some States require every establishment of a certain kind, or employing a certain number of persons, to be registered with the labor or inspection department within a definite period after commencing business or after a change of location. The information which must be furnished at the time of registering usually includes the name and location of the establishment, the industry, and the number of employees—sometimes classified by sex and age groups—those under 16 and those 16 or older being given separately. In other States registration is required only of establishments in which it is desired to employ children. Other sources of information as to places of employment which should be inspected are the records of or reports received from employment certificate offices in States where certificates are made out to individual employers,<sup>33</sup> accident reports in States where reports of industrial accidents giving the ages of the injured employees must be made to the labor department, reports of violations or suspected violations from school-attendance officers<sup>34</sup> or other persons, and special canvasses made by inspectors in industrial districts.<sup>35</sup> Although, as a rule, such lists are not wholly relied upon in making general inspections, and although in some States the law requiring the registration of industrial establishments is not enforced, the lists furnish the basis at least for inspection districts<sup>36</sup> and for planning the work of the department.

In order that their visits may be unexpected and therefore unprepared for by employers, inspectors sometimes arrange their work so as to visit in no regular sequence establishments scattered over their districts. Sometimes, however, they make a complete canvass of a small district, not relying upon any list but going from door to door of the particular street or block selected and inspecting all places of employment which come under their jurisdiction. Most inspection departments use both these methods at different times and under different circumstances. Some departments, moreover, have made systematic canvasses of all the industries in selected cities, but these canvasses are likely to attract so much attention that violations can not be detected. Such an inspection is usually conducted by a considerable staff in order that it may be made quickly; and knowledge of its beginning is soon widely distributed among employers so that most of them have time, before the inspector visits them, to make special inquiries of their own and send home temporarily all chi-

<sup>33</sup> See pp. 129-130, 171.

<sup>34</sup> See p. 189.

<sup>35</sup> See below.

<sup>36</sup> See p. 206.

children illegally employed in their establishments. As a result few violations, and most of those not willful ones, are found during such canvasses, but as soon as the special force of inspectors has left the city many of the children who were sent home may go to work again. This type of canvass serves, nevertheless, to locate places which should be investigated,<sup>37</sup> and is therefore a useful method if followed up later by unexpected visits of inspectors.

The work of an inspector is guided primarily by the general character of the laws which he must enforce. So far as standards for the employment of children are concerned, in most States his chief duties are to see that no children are employed below the minimum age, that no children of certificate age are employed without certificates,<sup>38</sup> and that children are not employed in illegal occupations or for illegal hours.<sup>39</sup> In addition, inspectors in some States question children in regard to their hours of attendance at continuation school, not only to determine whether they are attending regularly as required for legal employment, but also to discover any violations of the provision that the period of such attendance shall be included within the weekly hours of labor permitted by law.<sup>40</sup> In some States inspectors also have the power, though it is seldom exercised, to require certificates of physical fitness for children who appear to be in bad health.<sup>41</sup> Failure on the part of employers to return certificates and commencement or termination notices as required by law is another point which must be noted in many States,<sup>42</sup> while in all States where a certificate is good only in the hands of a specified employer or for a specified occupation,<sup>43</sup> careful attention to these points is necessary. Furthermore, in all States to a certain extent but especially in those where certificates are given to children to take from employer to employer<sup>44</sup> and where they are carelessly issued,<sup>45</sup> inspectors must be alive to the danger that a certificate may be used by some child other than the one to whom it was granted, and also that a certificate may have been illegally issued. Inspectors should be able to rely without question upon the certificate system; but unfortunately, in certain States, the detection of illegally issued certificates is an important part of their work.<sup>46</sup>

The methods of making an inspection depend upon whether it is to be a regular, complete inspection or merely a special visit

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<sup>37</sup> See p. 210.

<sup>38</sup> See pp. 212-213, 214-217.

<sup>39</sup> See pp. 217-218.

<sup>40</sup> See pp. 196-197, 218.

<sup>41</sup> See pp. 73-74, 93.

<sup>42</sup> See pp. 158-159, 213-214.

<sup>43</sup> See pp. 130-218.

<sup>44</sup> See pp. 129, 214-215.

<sup>45</sup> See pp. 3, 23, 33-35.

<sup>46</sup> See pp. 40-41.



to determine some definite point—such as whether previous order have been obeyed <sup>47</sup>—or to investigate a complaint.<sup>48</sup> In the latter case the procedure is simple, though violations thus discovered are dealt with in the same way as other violations. In either case however, the inspector must be prepared, at least in some States and in a few establishments in other States, to discover and deal with attempts to hide children in various ways or to send them away until he has left the premises. Moreover, in either case the inspector is likely to be hampered in his work by failure, on the part of employers—even of those who desire to comply with the law—to file certificates and other documents in such a way as to insure such compliance or to make it easy of verification. Some establishments which employ many children, however, have adopted employment systems designed to assist in preventing the employment of children without certificates, and in these establishments, of course all certificates are systematically filed, and the work of the inspector is therefore lightened.<sup>49</sup> Where the inspection department receives promptly from the issuing office reports of all certificates issued with the names of the employers for whom the children are authorized to work,<sup>50</sup> it is possible, of course, for an inspector to enter each establishment already equipped with a list of all children for whom certificates should be on file in that establishment.

Whether or not the inspection department receives reports of certificates issued, in making a regular inspection one of two principal methods of procedure may be followed. The inspector may go first to the office of the establishment, and on leaving it to visit the workrooms may take with him <sup>51</sup> either all the certificates on file or a list of the names, and usually of the ages or dates of birth, and possibly the addresses, of all the children for whom he has found certificates on file. When he sees a child who appears to be of certificate age or younger, he asks the child his name or requires him to write it on a slip of paper and consults immediately the certificates or the list to see whether a certificate is filed for a child of that name. For additional safety in identification <sup>52</sup> the inspector also sometimes requires the child to give his age or the date of his birth and perhaps his address or the names and address of his parents. Or the inspector may make his tour of the establishment before consulting the certificate file,<sup>53</sup> and sometimes before going to the office, even when not equipped with a list of the children for whom certificates should be on file. He may question children and

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<sup>47</sup> See pp. 219, 220–221.

<sup>48</sup> See pp. 206, 210.

<sup>49</sup> See also p. 162.

<sup>50</sup> See p. 171. See also p. 37.

<sup>51</sup> See also p. 219.

<sup>52</sup> See also pp. 214–215, 218–219.

<sup>53</sup> See p. 213.

either write, or have the children write, on a slip of paper or in a blank book carried for the purpose their names, addresses, ages or dates of birth, and perhaps other facts calculated to assist in identifying their certificates. Under this procedure the inspector later compares the information thus secured with that on the certificates filed in the office. Willful violation can best be detected by visiting the workrooms before going to the office.

Either of these methods may be employed to check up all the children in an establishment, or merely to test the employer's care in demanding certificates by using certain children, selected sometimes in suspicious cases and sometimes at random, as a sample. In the latter case the additional precaution may be taken of checking up the number of certificates on file by the number of children whose names appear upon the posted lists<sup>54</sup> or upon the pay roll. Occasionally the names on the certificates are checked up with those on the pay roll and later with those of all the children found at work. In some places the practice is to check up the names of all the children in a small or medium-sized establishment, but in an exceptionally large establishment merely to test a sufficient number to discover whether children are commonly employed contrary to law.

Only a complete check of all the children in an establishment, of course, can insure that all violations of the child labor law are discovered and, as a rule, the check is more likely to be complete if the inspector does not take the certificates with him but secures the names of all children he sees and other data in regard to them as he goes through the workrooms.<sup>55</sup> If he takes the certificates or even the lists with him he is likely to look only for the particular children named and to overlook others who should be questioned. When he fails, on visiting the office, to find a certificate for a child whose name he has secured, it may be necessary for him to interview the child again. But such additional interviews are seldom required if the inspector asks the child in the first place, as is usually done, whether he has a certificate on file. The child is not likely to lie about the matter, since he knows that the inspector can easily verify his statement; and if he says that he has no certificate the inspector can immediately proceed to secure from him all the additional information necessary.<sup>56</sup> In some States, if children for whom certificates are on file have not been seen but are in the establishment, they are sent for and interviewed.

Failure to return to the issuing office the certificates of all children who have left an establishment<sup>57</sup> can be discovered only when the

<sup>54</sup> See pp. 204, 217.

<sup>55</sup> See p. 212.

<sup>56</sup> See pp. 215-216.

<sup>57</sup> See pp. 159-160. The inspection department sometimes receives reports of such cases from the issuing office. See p. 161.

inspector checks up by the certificates on file all the children found at work in the establishment. Where special notices of commencement of employment<sup>58</sup> are used, however, failure to send them to the issuing office can usually be detected with ease by an examination of the certificate files, since the blank form used for such a notice is sent as a rule to the employer with each certificate and is often printed on paper of a conspicuous color. To detect failure to return similar termination notices,<sup>59</sup> however brightly colored, without a complete checking up of the children at work usually would require comparison with the pay rolls. When an inspector discovers certificates or blank notices in an employer's files which should have been returned—including usually those for children who have been absent without explanation for a certain period<sup>60</sup>—he orders that they be returned at once. Although the visits of inspectors are infrequent and their warnings neither so certain nor so prompt as those which can be given by issuing officers,<sup>61</sup> this method of enforcing the law relating to the return of certificates or of commencement or termination notices should not be neglected.

To make certain that a certificate belongs to the child who claims it or to whom the employer says it belongs is not always an easy task. Especially when the certificate does not show the name of the individual employer but is the personal possession of the child and is taken by him from one employer to another, a child may sometimes, as already noted,<sup>62</sup> obtain possession of and present to an employer a certificate which was issued to some other child. Nevertheless, many inspectors assume, if the child can give readily and correctly certain facts contained on a certificate—the date and place of birth, and sometimes also the parents' names and address<sup>63</sup>—that he is the child to whom it was issued. Even in many places where the child's signature appears on the certificate,<sup>64</sup> it is not used or is used only occasionally as a means of identification. When an inspector does not take the certificates with him on his tour of an establishment and himself writes down the names of the children he interviews instead of requiring them to do so,<sup>65</sup> it is impossible, of course, to use the signature on the certificate as a means of identification. Nevertheless, whenever the certificate is signed by the child the inspector, when in doubt, can easily secure his signature and compare it with that on the certificate, and many inspectors find this method

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<sup>58</sup> See p. 158.

<sup>59</sup> See p. 159.

<sup>60</sup> See p. 160.

<sup>61</sup> See pp. 160–161.

<sup>62</sup> See p. 129. See also p. 211.

<sup>63</sup> See p. 212.

<sup>64</sup> See p. 46.

<sup>65</sup> See pp. 212–213, 214–215.



ery helpful. In fact some inspectors, in order to detect the fraudulent use of duplicates of lost certificates,<sup>66</sup> require all children working on such certificates to write their names.

The description of the child usually given on a certificate<sup>67</sup> is another method of identification which may sometimes prove helpful. This method, however, is of use only when the inspector secures the certificates before visiting the workrooms, and is much less valuable than a comparison of signatures because the description is usually given in such general terms that it could fit a considerable number of children.

When an inspector doubts a child's statement that he is over certificate age he usually questions the child more fully<sup>68</sup> in regard to the date and place of his birth, the ages of other children in his family, the school he has attended, and the grade he was in at the time of leaving school. If he answers such questions readily and consistently the inspector may be satisfied that he is telling the truth as to his age and may do nothing further. If, however, the child's answers or any other circumstances leave the inspector still in doubt he follows one of two courses; either he tells the child or the employer, or both, that satisfactory evidence of age must be produced and orders the employer to discharge the child in case this is not done within a certain time,<sup>69</sup> or else he undertakes himself to secure such evidence.<sup>70</sup> In the former case, of course, the inspector fails at that time to obtain evidence upon which a prosecution could be based; and unless such evidence is later secured<sup>71</sup> this method therefore offers an opportunity for employers to evade the law by hiring any child who applies, or any applicant who states that he is over certificate age, and simply discharging him when the inspector challenges his age. For this reason it is considered better in all cases where the inspector feels reasonably certain that the child is under age for him to make his own investigation in order to have evidenced in case a violation is proved. If employers know that they may be prosecuted,<sup>72</sup> instead of merely being ordered to discharge the child, they are much more likely to be careful not to violate the law. Especially where in all cases of doubt the employer can require a child to secure an official statement of age,<sup>73</sup> there is no excuse for his permitting a child to deceive him. But even where no special provision has been made for the issuance of such state-

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<sup>66</sup> See pp. 152-153.

<sup>67</sup> See p. 168.

<sup>68</sup> See pp. 212-213, 214. See also pp. 218-219.

<sup>69</sup> See pp. 216, 222-223.

<sup>70</sup> See pp. 216-217.

<sup>71</sup> See p. 216.

<sup>72</sup> See p. 223 et seq.

<sup>73</sup> See pp. 153-155.

ments to children over certificate age, if every case of illegal employment is considered as a violation of law not to be remedied by merely discharging the child, employers are much more likely to take proper precautions to see that they do not employ young persons in violation of the minimum age or employment certificate laws.

When an inspector instructs an employer to discharge a child unless he brings satisfactory evidence of age the burden of proof, of course, falls not upon the employer but upon the child. Usually a definite period of 5 or 10 days is allowed for the production of evidence. In some States the evidence required in such cases is the same as that required for the issuance of an employment certificate.<sup>74</sup> In States where provision is made for furnishing children over certificate age with statements of age<sup>75</sup> the inspector usually requires that the child secure such a statement and can easily find out, by inquiry at the office to which he must apply, whether he does so. In other States the inspector may require that the evidence be produced at the office of the inspection department or may revisit the establishment to see whether it has been secured and is satisfactory. Sometimes the employer keeps the evidence secured in such cases, sometimes it is given back to the child, and sometimes it must be filed with the inspection department.

Neither a child nor an employer, of course, is likely to produce a document which shows the child to be under age, but if, after the time allowed the employer has expired, the inspector endeavors himself to secure evidence concerning the age of a child who has merely been discharged, he can often secure proof that the child's employment was illegal. In some States, if an employer fails to produce satisfactory evidence of age within the prescribed period but continues to employ the child, proof that he was formally ordered to produce the evidence and yet did not do so is *prima facie* evidence in a prosecution that the child was employed unlawfully. Without such a formal order, however, the employer is not liable unless he continues to employ a child who has been proved to be under the minimum age or to employ without a certificate a child who has been proved to be of certificate age.<sup>76</sup>

When the inspector himself endeavors to prove a child's age, instead of requiring the employer to do so, he questions the child not only as to his name, address, and date and place of birth, but also in some States as to such points as the name of the physician attending at his birth, the place of baptism, the order of birth in the family, the school attended, and the names of the child's parents, and usually records all these data on a form provided for the purpose. Late

<sup>74</sup> See pp. 53-73.

<sup>75</sup> See pp. 153-155.

<sup>76</sup> See p. 209.

uses this information to aid in his search for evidence of the child's age. In such a search he consults public or church birth records, school records, or any other source of information available. In some places he begins with the records of the certificate office,<sup>77</sup> consulting especially the records of refusals, and if he finds there that a child has held a certificate and is not yet past the age when one is required,<sup>78</sup> or that he has been refused for any reason, makes no attempt to secure further evidence. If violations of the law are to be punished much of the time of a child-labor inspector must be spent outside industrial establishments in investigating the ages of children.

The discovery of illegal hours of labor is one of the most difficult parts of the work of an industrial inspector. In States, moreover, where certificates are not required for all occupations in which the hours of children are regulated or are not required up to the minimum age,<sup>79</sup> the problem of identifying the children whose hours should be investigated adds greatly to the difficulty of enforcing the law. Usually when an inspector questions a child as to his name, age, and address in order to discover whether the employer has a certificate on file, he also asks for information as to the time of beginning and ending work.<sup>80</sup> Otherwise the methods employed are practically the same as those used in detecting violation of laws relating to women's hours, e. g., first, inspection of lists of employees and their hours and, second, visits at hours calculated to reveal violations. In most States where the hours of women or children are regulated employers are required to keep, sometimes posted in the place where they are employed, lists or registers of all persons to whom the regulation applies, and these records must show the hours of labor required and usually the time of beginning and stopping work each day and the period or periods allowed for meals.<sup>81</sup> Such a system aids greatly in enforcing laws regulating hours of labor. In States, moreover, the night hours during which children may be employed are so long—as in one State where they extend from 5 p. m. to 8 p. m.—that little opportunity is offered for irregular hours during the day and, as a result, the task of detecting violations is considerably simplified.

The task of detecting violations of laws relating to illegal occupations the inspector is aided by the certificate system, though, as in the case of hours of labor,<sup>82</sup> in many States employment certificates are not

<sup>77</sup> pp. 165, 168-169.

<sup>78</sup> pp. 162-163.

<sup>79</sup> pp. 13, 126, 128-129.

<sup>80</sup> pp. 212-213, 214, 218-219.

<sup>81</sup> The lists mentioned on pp. 204 and 213 do not contain this information as to hours.



required up to the highest regulated age. Such certificates, as already noted, are usually required only until a child is 16, though employment in certain occupations which are considered to be dangerous or injurious to health or morals is prohibited frequently until 18 and sometimes until 21.<sup>83</sup> Whenever an inspector suspects that a young person whom he finds engaged in such an occupation is below the minimum age for that occupation though over certificate age he questions the young person as to the date of his birth, and if not satisfied by the reply resorts to the same methods as when he suspects that a child who claims to be over certificate age is actually of that age.<sup>84</sup> In case he finds that the child is under age for the particular occupation but might be employed in some other occupation, he may tell the child to secure another position.

Violations of the provision that a certificate shall be good only in the hands of a specified employer and for a specified occupation are detected with comparative ease. When a child is found working for an employer other than the one whose name is on his certificate he is ordered to go to the issuing office and secure a new certificate; and when a child is found working in an occupation other than the one for which his certificate is good, but in which it is not illegal for a child of his age to work, the employer is ordered to change the child's occupation to the one specified or else to send him to the issuing office for a new certificate.

In States where the law requires that employers file reports of attendance at continuation school, inspectors, in addition to questioning children as to their hours of continuation-school attendance, must examine these reports and must order the discharge of a child whose reports show unexcused absences.<sup>87</sup>

In some States an inspector, after examining the employment certificates on file in an office, stamps them with his name and with the date. In addition, inspectors in some places note on the back of the certificate the new address of any child who, on being questioned, states that he has moved since the certificate was issued. If the certificate is later returned to the issuing office because the child is out of work, this new address is of assistance in locating him in order to secure his attendance at school while unemployed.<sup>88</sup>

When an inspector believes he has found a violation of any provision of the child labor law he questions the child more fully, partly in order to determine to what extent the violation may be of

<sup>83</sup> See pp. 11, 15.

<sup>84</sup> See pp. 215-217.

<sup>85</sup> See pp. 129-130.

<sup>86</sup> See p. 211.

<sup>87</sup> See pp. 195-196, 197-198, 198-199, 204.

<sup>88</sup> See pp. 159, 193-195.

<sup>89</sup> See pp. 212-213, 214-215.

to the child's having deceived the employer and partly to secure evidence for use in case the department decides to prosecute the employer.<sup>90</sup> In questioning the child skillful inspectors avoid leading questions, such as whether the child is of this or that age or has worked for this or that number of hours, and asks instead for the date of the child's birth or for the time when he has started and stopped work. In some States where experience in bringing prosecutions has shown that an inspector himself must see a child working illegally in order to have an adequate basis for prosecution, the inspector, in case the child was not actually at work when first seen, has the child proceed to work in his presence in order to be able to testify that he actually witnessed the illegal employment. Where the violation is of the law relating to hours of labor, in some places inspectors require the child who has given the information to sign a statement as to the hours he has worked.

All violations, or suspected violations, are usually called at once to the attention of the employer or of some representative of the employer. Frequently, indeed, the employer or some person from his office accompanies the inspector on his tour of the workrooms.<sup>91</sup> Efficient inspectors, after calling attention to violations, avoid argument with employers or their representatives and confine themselves to giving instructions and to securing evidence. If the child found illegally employed is under working age the employer is ordered to discharge him and sometimes, but unfortunately not by any means always, the attendance department is notified and the child is told that he must return to school.<sup>92</sup> If the child is of certificate age but working without a certificate he is usually told to apply for one at the certificate office; he should be, but rarely is, told to return to school pending its receipt. The employer in such a case is usually instructed to discharge the child if he does not secure a certificate. Some inspectors notify the issuing office that the child has been told to apply for a certificate, expecting that office to notify the school attendance department within a few days as to the result of the application.<sup>93</sup> In at least one State, indeed, this is required by law, and if such a child does not apply within a week the case is referred to an inspector who reinvestigates. Other inspectors, however, themselves examine the records of the certificate office to discover what action has been taken and, if the child has not secured a certificate, report the case to the school-attendance department.<sup>94</sup>

<sup>90</sup> See pp. 223 et seq.

<sup>91</sup> This would occur, of course, only when the inspector visited the office first. See 212.

<sup>92</sup> See pp. 222-223. Where such a violation is merely suspected and not admitted, the production of evidence of age may, of course, be required. See pp. 215-217.

<sup>93</sup> See pp. 171-173.

<sup>94</sup> See pp. 220-221, 222-223.



In addition to giving oral instructions, the inspector as a rule leaves with the employer a written order stating the nature of the violation, what must be done to correct it, and the time within which action must be taken. In some States, however, the inspector merely sends to headquarters recommendations as to the orders to be issued, and the orders themselves, after formal approval, are sent out on form letters from the office of the inspection department. In most States an employer is required, after receipt of such an order, to notify the inspector or the office of the inspection department within a few days as to what he has done about the matter; and sometimes, if the violation is flagrant, he is also required to report in person at the office of the inspection department and explain the matter to the chief inspector.<sup>95</sup>

Furthermore, in one State it was found that when an inspector discovered a violation of the child labor law, the employer was required to sign a form known as an "acknowledgement blank," stating that he had employed illegally one or more children and giving the cause of each violation. On the reverse side of this blank the inspector entered the name and address of the employer, the date, the name, home address, and date of birth of each child found illegally employed, and the nature of the violation. This form, which was signed by the inspector and was mailed at once to the headquarters of the department, also stated that the children were dismissed in the presence of the inspector. The reverse of the violation report card found in use in another State contained a form for acknowledgment of the offense by the employer with space for his explanation.<sup>96</sup>

In a third State it was found that all orders were made out in triplicate, a white copy to be left with the employer, a pink copy to be sent to the office of the inspection department,<sup>97</sup> and a blue copy to be kept by the inspector. The employer was required to sign a statement on the two latter copies to the effect that he had received the orders mentioned. The white copy contained instructions that as soon as the order had been complied with it should be signed by the employer and returned to the department. At the expiration of the time given for compliance with the order, however, the inspector revisited the establishment, regardless of whether the white copy of his order had been received, in order to ascertain whether the order had been complied with or prosecution should be recommended.

Although the laws of some States provide special penalties for failure to obey an inspector's orders, inspectors usually try to make

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<sup>95</sup> Such a report in person is a much less formal procedure than the hearings of employers to show cause why they should not be prosecuted mentioned on p. 224.

<sup>96</sup> See p. 222.

<sup>97</sup> In this case the order form serves the same purpose as the violation report card mentioned on p. 221.



sure that their instructions have been obeyed by returning within a short period to all establishments where violations have been discovered, regardless of the reports made by the employers. Such visits are usually not made, however, if the employer is to be prosecuted for the original violation. Moreover, in case the only instructions given related to the securing of certificates, inspectors sometimes ascertain from the issuing office whether the children have applied and have been granted certificates<sup>98</sup> and make return visits to their places of employment only if they have failed to apply or have been refused. If at the time of the return visit, which is usually about 10 days after the discovery of the violation, it is found that the orders given have not been obeyed the inspector may recommend that a warning notice be sent to the employer.<sup>99</sup> In at least one State it was found that 15 days were allowed for compliance with orders before legal proceedings were instituted even after such a warning had been issued.

### RECORDS AND REPORTS.

Except where inspections are made for enforcement only of laws relating to children or to women and children the blank forms used for recording the results of inspection usually cover all the provisions of law relating to the particular kind of establishment. As a result, in many States these forms include a large number of points and are very complex. In these States, however, the number of points to be included frequently is reduced by providing separate blanks for recording the results of inspections of manufacturing and of mercantile establishments. General inspection of mines, of course, requires special report forms. In order to make sure that nothing has been overlooked, inspectors are usually required to check each separate point on the form. For the convenience of the inspector the forms are frequently provided in a book.

Though the general report blank usually shows the number and classification of the violations discovered, the details concerning each violation found in an establishment are usually given in a separate report on a blank especially provided for the purpose.<sup>1</sup> The information commonly given includes the child's name, sex, age, and occupation; whether he has a certificate and, if so, for what employer and occupation; frequently the name and address of one or both of his parents; and always, of course, the name and address of his employer and the character of the violation. Sometimes these forms provide for the recording of supplementary information such as the

<sup>98</sup> See p. 219.

<sup>99</sup> See p. 224.

<sup>1</sup> This blank may be a copy of the order form given the employer. See p. 220.

date of the child's employment, the school he attended, his birth-place, and the kind of evidence of age, if any, filed in the establishment. In some States, moreover, the inspector sends in with each violation-report card a letter describing in detail the character of the violation and the circumstances. When an employer is required to make an acknowledgment of violations,<sup>2</sup> the form which he must sign may be printed on the back of the violation-report card, and when a letter accompanies this report a carbon copy may be sent to the employer.

Regular inspection reports must usually be sent at stated intervals, as a rule daily or weekly, to the head office of the department. Reports of violations must, as a rule, be sent immediately or within a short period even where routine reports of inspection are made only weekly. In addition, inspectors usually make weekly or monthly reports, sometimes both, summarizing all their work, including regular inspections,<sup>3</sup> revisits,<sup>4</sup> interviews and investigations of age,<sup>5</sup> orders issued,<sup>6</sup> and reports of compliance with orders received.<sup>7</sup>

The methods of filing information in the office of an inspection department differ widely according to the reports required of inspectors and the organization of the department. Where a State is divided into districts and the department has a branch office in each district,<sup>8</sup> reports and other documents relating to the different districts, or certain of them, may be filed in the branch offices. Lists of establishments<sup>9</sup> are, as a rule, kept in card-catalogue form, often arranged by districts. Inspection reports, on the other hand, are usually filed alphabetically under the names of the employers, or numerically with an alphabetical cross-reference index. Sometimes, for convenience of reference, all material relating to an employer is filed together. Violation reports and orders given employers are usually filed separately, however, until evidence of compliance has been secured.<sup>10</sup>

Report should always be made by the inspection department to the school-attendance department of the names and addresses of all children whose discharge is ordered because they are illegally employed.<sup>11</sup> These children should, of course, be told that they must

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<sup>2</sup> See p. 220.

<sup>3</sup> See pp. 211-215.

<sup>4</sup> See pp. 216, 219, 220-221.

<sup>5</sup> See pp. 216-217, 219.

<sup>6</sup> See p. 220.

<sup>7</sup> See pp. 220-221.

<sup>8</sup> See p. 206.

<sup>9</sup> See pp. 209-210.

<sup>10</sup> See pp. 220-221.

<sup>11</sup> See p. 189.



return to school,<sup>12</sup> but many of them will not do so unless they are followed up by an attendance officer. These reports should, of course, be made promptly, if possible upon the day when the child's discharge is ordered. Even though the children found violating the law may have been working only during vacation or on Saturday or after school hours, they should be reported to the school-attendance department. Some of these children may not be enrolled in any school. Such reports, moreover, should include children who are ordered to apply for certificates or who are told to find other positions where the hours or other conditions of labor will make possible their legal employment,<sup>13</sup> as well as children who are simply ordered out of the establishment where they are found at work.

Where, as unfortunately is the case in many places, such reports are not made, or are made only in an occasional instance, children may easily go from one establishment where they have been dismissed because illegally employed to another which may not be inspected for months; and some of these children, by shifting their positions when discovered, may be employed illegally almost continuously until they are past certificate age.<sup>14</sup> Even where cases of illegal employment are reported to the attendance department, if these reports are not made promptly one violation, not only of the school attendance but of the child labor law, is likely to follow another.

Furthermore, the names and addresses of all children for whom inspectors find certificates on file in an establishment but who are not actually employed there<sup>15</sup> should be reported to the school attendance department in order that, if unemployed, these children may be returned to school.<sup>16</sup>

### PROSECUTIONS AND PENALTIES.

The last resort in all methods of enforcing a child labor law is the bringing of prosecutions and the impositions of penalties.<sup>17</sup> If a child-labor law is to be thoroughly enforced it is essential that all cases of deliberate violation or of repeated failure to obey the law should be prosecuted and that penalties should be imposed sufficient to serve not only as a punishment to the individual violator but also as a warning to others.

Although a child's parents are held responsible for violations of the school-attendance law,<sup>18</sup> and although in a few States they are also liable to a penalty for permitting his illegal employment, the

<sup>12</sup> See p. 219.

<sup>13</sup> See pp. 217, 218, 219.

<sup>14</sup> See p. 206.

<sup>15</sup> See pp. 213-214.

<sup>16</sup> See pp. 193-195.

<sup>17</sup> See pp. 6, 202.

<sup>18</sup> See p. 182.



employer is held primarily responsible for violation of the child labor law. Whatever court action the inspection department decides to institute is usually, therefore, brought against the employer.

Prosecution for violation of the child labor law is usually decided upon by the chief of the inspection department or by the commission or board under which that department operates.<sup>19</sup> In some States, however, such a prosecution may be brought not only by the head of the department but by any inspector, attendance officer or police officer, and in others "any person" is specifically given the power. Even where an official prosecution must be instituted by the head of the department or by the board the approval of the inspector, who must be relied upon at least for assistance in the preparation of evidence,<sup>20</sup> is often required. Furthermore, in order to insure success in a larger proportion of cases, the approval of the attorney general or the attorney for the department may be required. Where the inspection department has a special attorney his approval, as well as that of the inspector, should be secured and he should be given primary responsibility for the successful conduct of prosecutions instituted by the department (the State attorney would have the right of dismissal in many States unless the special counsel for the department handled the case), but no such department should be hampered by an obligation to secure the approval or to wait for the action of a prosecuting attorney whose time is largely occupied by other matters.

The law contemplates in general that prosecution shall be brought for all violations; but evidence sufficient to bring about a conviction can not always be secured, and it is usually considered that prosecutions should not be attempted which do not have a good chance of being successful. Furthermore, in many States it is considered that best results can be secured by prosecuting only for flagrant or repeated violations and merely warning employer who have unintentionally violated the law for the first time.<sup>21</sup> In order to prevent abuses under this system, in at least one State all employers in whose establishments violations have been discovered are summoned before the commission which heads the inspection department in order to show cause why they should not be prosecuted.<sup>22</sup> In certain States, moreover, where the inspection department has control over the issuance of certificates, good results have been secured by refusing to issue employment certificates to employers guilty of serious violations and even, in some cases, by revoking all certificates previously issued to such employers.<sup>23</sup>

<sup>19</sup> See p. 202.

<sup>20</sup> See pp. 215-216, 218-221.

<sup>21</sup> See also p. 221.

<sup>22</sup> See also p. 220.

<sup>23</sup> See pp. 30-31, 41-42.

Unfortunately many inspection departments fail to bring a sufficient number of prosecutions for violations or to take other methods calculated to inspire respect for the law. In some States, for example, though an employer is usually prosecuted for employing a child under the minimum age, the discovery of a child certificate age working without a certificate rarely brings anything more than a warning. Moreover, though the law usually provides a penalty for failure to return certificates within the time limit, employers are rarely, if ever, prosecuted either for failure to return certificates or for failure to notify the issuing office of the commencement or termination of employment.<sup>24</sup>

A violation of a child labor law is usually a criminal offense and a prosecution in such a case a criminal action. This means not only that a jury trial is possible but also that the employer need not be required to testify against himself or to produce his records, and that if the department loses its case in a lower court it can not appeal. If the case is tried by a jury the sympathy of the jurymen with the purposes of the law may counteract this advantage of the prosecution, but in most cases trial by jury is waived and the judge renders the decision. For this reason it is important that judges understand the purpose of each provision of the law. In some States failure to prosecute except in flagrant cases is due to difficulty in securing convictions, and in certain States it is said to be hardly worth while to bring prosecutions except before certain magistrates who have shown themselves willing to cooperate with the inspection department in securing enforcement of the law. This indifference on the part of judges must, of course, be overcome before a child labor law can be adequately enforced. Furthermore, the provision found in the law of at least one State under which prosecution for violation of the child labor law may be made civil action has led to a considerably increased proportion of convictions.<sup>25</sup> In that State practically all actions are civil and consequently the inspection department can require the employer to produce his records and has the right of appeal from the decision of any judge whose verdict seems to show lack of understanding of the law or sympathy with its purposes.

When a civil suit is brought, imprisonment, of course, can not be imposed as a penalty; but even in criminal cases, as a rule, a fine is the punishment imposed in practice for violation of a child labor law. Though the penalties sometimes vary with the offense, in most States the penalties to which employers are liable range between a minimum fine of \$10 and a maximum of \$500, with an alternative

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See pp. 158-161.

See Administration of Child Labor Laws: Part 4, Employment-Certificate System,consin, pp. 98-100. Children's Bureau Publication No. 85, Washington, 1921.



of imprisonment for a maximum of from 10 days to 6 months for each offense. Often both fine and imprisonment can be imposed. More severe penalties are frequently provided for later offenses than for first offenses. Usually, too, the illegal employment of each child, and in some instances, as when the employer has been notified of the violation, each day's illegal employment of each child, constitutes a separate offense. The fine actually imposed in many cases, however, is insufficient to prove effective either as a deterrent to future violations on the part of the employer fined or as an example to other employers.

Workmen's compensation and insurance laws, by providing special penalties in case a child is injured while illegally employed,<sup>26</sup> are of assistance in a number of States in securing compliance with the child labor laws.<sup>27</sup> Where an injury to a child who is illegally employed does not come under the provisions of the workmen's compensation law, or where such a child can not be insured against injury the employer is not only liable to a suit for heavy damages with all defenses removed but in such a suit must encounter special difficulties because the sympathy of the jury is likely to be with the child. Injured children and their parents are often, however, ignorant of their rights and are not only financially unable to start a law suit but are in immediate need of the small amount of cash which may be offered in settlement of their claims. For this reason the most effective provision in a compensation law for preventing the illegal employment of children is probably the treble-compensation clause found in the law of one State.<sup>28</sup> Under this clause the initiative in determining the responsibility of the employer and the rights of the child is taken by a public agency instead of resting upon the child or his parents, and as a result few children fail to apply for and receive the compensation provided for by law; the amount received by each child probably averages about the same as would be received, after payment of court costs and attorney's fees, if a damage suit had been instituted; and no employer can escape, either through insurance or through the legal technicalities incident to a common-law suit for damages, from the financial penalty provided by law. The fact that this penalty is not as severe as a jury might impose in a damage suit is much more than counterbalanced by the fact that it is imposed in practically all cases. This penalty, indeed, though it is said to rouse less resentment than a fine—for which it is not, however, in any sense a substitute—is a severe punishment and serves to inspire all employers with a wholesome fear of violating the child labor law.

<sup>26</sup> See p. 53.

<sup>27</sup> See p. 142.

<sup>28</sup> See Administration of Child Labor Laws; Part 4. Employment-Certificate System, Wisconsin. Children's Bureau Publication No. 85, pp. 16-19, 127-128. Washington, 1921.



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## APPENDIX

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### PROVISIONS OF STATE LAWS FOR METHODS OF CERTIFICATE ISSUANCE

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# APPENDIX

REMARKS OF THE COMMISSIONERS OF THE GENERAL LAND OFFICE  
IN ANSWER TO A RESOLUTION OF THE HOUSE OF COMMONS  
PASSED IN 1845

# PROVISIONS OF STATE LAWS FOR METHODS OF CERTIFICATE ISSUANCE.

(January 1, 1924.)

[Only provisions of law relating to certificates for regular employment are included. Standards with which child must comply before receiving an employment certificate which may indirectly affect the method of issuance, such as those relating to evidence of age, educational requirements, etc., are not included. No reference is made to requirements for permits for work in street trades and in theatrical performances.]

State.	A. Age. B. Name of certificate and time limit.	Certificate-issuing authority.	Provisions for State supervision of issuance (see also Column III). A. Forms. <sup>1</sup> B. Reports <sup>2</sup> by issuing officer to higher authority, etc. C. Revocation of certificates. <sup>3</sup>	Provisions for supervision of child. A. Promise of employment. B. Certificate returned to issuing officer at termination of employment. C. Other (specify).	Authorities having power or duty to enforce law. <sup>4</sup>	Other certificates and permits. <sup>5</sup>	State.
I	II	III	IV	V	VI	VII	VIII
ALABAMA.....	A. 14-16..... B. Employment certificate.	"Superintendent or principal of schools" in cities or towns, or his deputy, or where there is no such official, county superintendent of education or his deputy.	A. All forms drafted and furnished by State child-welfare department. B. Duplicate certificates and reports of issuance sent monthly to State child-welfare department. C. State child-welfare department may revoke certificate if improperly or illegally issued.	A. Required..... B. Returned within 10 days.	State child-welfare department; attendance officers; probation officers.	Vacation-employment certificate (14-16); special employment certificate (boy over 12; specified work outside school hours).	ALABAMA.
ARIZONA.....	A. 14-16..... B. Employment certificate.	City, county, or town superintendent of schools, or his deputy, or where there is no superintendent, a person authorized by school board.	A. None specified. Law states certain details which certificate must contain. B. Monthly reports to State superintendent of public instruction, on blanks furnished by him. C. Under construction of law by State commissioner of labor and statistics, who may make rules and regulations to secure satisfactory evidence of age, all forms for use in issuance are formulated and furnished by said labor commission. <sup>6</sup> C. State commissioner of labor and statistics may revoke certificate if illegally issued.	A. Work child intends to do "shall be stated" on certificate, and reports (see Column IV) must show employer and occupation. B. Returned "forthwith."	Factory inspectors (but there is no legal provision for inspectors); attendance officers.	Special permit for boy 10-14 for work not harmful outside school hours; school-exemption permit (under 16).	ARIZONA
ARKANSAS.....	A. 14-16..... B. Employment certificate.	State commissioner of labor and statistics, or some one authorized by him, or local superintendent or principal of the public schools or his deputy (in practice, commissioner of labor and statistics). <sup>6</sup>	A. Under construction of law by State commissioner of labor and statistics, who may make rules and regulations to secure satisfactory evidence of age, all forms for use in issuance are formulated and furnished by said labor commission. <sup>7</sup> C. State commissioner of labor and statistics may revoke certificate if illegally issued.	A. Law does not specify; in practice, promise of employment is required by State commissioner of labor and statistics. (See Column III.) B. Employer keeps certificate on file, and by requirement of State commissioner of labor and statistics (see Column III) child must secure new certificate for each new employer.	State commissioner of labor and statistics; factory inspectors; mine inspectors; probation officers; agents of humane society; truant officers.	None.....	ARKANSAS.
CALIFORNIA.....	A. 15-16..... B. Permit to work (for work during school hours), supplemented by "permit to employ."	City or county superintendent of schools or his deputy.	A. State superintendent of public instruction to provide blanks for permits and for certificates of age and health. B. Biennial reports to State bureau of labor statistics and to State board of education. C. State bureau of labor statistics or State superintendent of public instruction may revoke permit if illegally issued or if legal conditions no longer exist.	A. Required..... B. Returned within 5 days.	State bureau of labor statistics; attendance officers; probation officers; officers of State board of education.	Graduate "poverty permit" (14-16); vacation permit (12-16); outside school hours permit (14-16); school-enrollment certificate and permit to work (where continuation schools are established).	CALIFORNIA.
COLORADO.....	A. 14-16..... B. Age and school certificate.	(1) Local superintendent of schools or his deputy, or, where there is no superintendent, person authorized by school board, or (2) Superintendent or principal of a parochial school.	A. Form given in law. B. Duplicate certificates sent to State factory inspector.	A. Not required..... B. Returned to child, but, if not claimed within 30 days, to issuing officer.	Factory inspectors; State industrial commission. (Attendance officers may inspect establishments to enforce compulsory school attendance law.)	Vacation permit (12-16); permit for employment of child under 14 in fruit orchard, garden, field, or farm by some person other than his own parent.	COLORADO.
CONNECTICUT.....	A. 14-16..... B. Employment certificate.	Secretary of State board of education or agent of that board, or school supervisor, school superintendent, supervising principal, or acting school visitor designated by said board.	A. All forms prescribed and furnished by State board of education. B. and C. State board of education has entire control of issuance.	A. Required..... B. Employer must notify State board of education "promptly" of termination of child's employment. C. Notice of commencement of employment sent by employer to State board of education.	State board of education and local school authorities.	Continuation-school certificate (14-16); vacation certificate (14-16).	CONNECTICUT.
DELAWARE.....	A. 14-16..... B. General employment certificate.	State superintendent of public instruction and superintendent of schools in special school districts, or persons designated by such superintendents.	A. State labor commission must formulate and have printed all forms; such forms must be furnished to issuing officers on application. B. Reports monthly from Wilmington and quarterly from other issuing officers to State labor department.	A. Required..... B. Returned within 21 hours if return demanded by child; otherwise within 3 days.	State child-labor inspector.....	Provisional employment certificate (boy 12-16, girl 14-16); "poverty permit" (no age specified).	DELAWARE.
FLORIDA.....	A. 14-16..... B. Employment certificate.	County superintendent of schools or his deputy, or, where there is no superintendent, person authorized by school board.	No provisions: law gives certain details which certificate must contain.	A. Not specified. (But issuing officer may require physician's certificate showing child to be physically fit for "intended" work.) B. Returned to child or parent.	State labor inspector; judicial officers; police officers. (Attendance officers may inspect establishments to enforce compulsory attendance law.)	None.....	FLORIDA.
GEORGIA.....	A. 14-14 <sup>1</sup> ..... B. Employment certificate.	City or county superintendent of schools.	A. Form for certificate furnished by State commissioner of commerce and labor. B. State commissioner of commerce and labor must receive duplicate copies of certificates within 4 days from issuance. C. State commissioner of commerce and labor may revoke certificate if improperly issued.	A. Not required..... B. No provision (apparently certificate belongs to child).	State commissioner of commerce and labor.	"Poverty certificate" (12-14).....	GEORGIA.
IDAHO.....	No system of employment-certificate issuance. Employer must keep age record of children between 11 and 16.....						IDAHO.

<sup>1</sup> Any State authority entirely controlling issuance could, of course, incidentally prescribe forms. Officials with general enforcing powers sometimes prescribe and furnish forms, without specific provision of law. Law is not always clear as to whether use of forms prescribed and furnished by State department is obligatory upon all issuing officers.

<sup>2</sup> Reports are often required by State officials with general enforcing powers even though not required by law. Only those specified in law are included here.

<sup>3</sup> Including only specific provisions allowing State officials to revoke certificates; issuing officials usually have power of revocation. See also enforcing authorities, Column VI, since general powers of enforcement are sometimes held to include power of revocation.

<sup>4</sup> No attempt has been made to give extent of power or duty of these officials. See also Column III for issuing officers, who in the broadest sense of the word are also enforcing authorities.

<sup>5</sup> Omitting (1) special forms of certificates issued extra legally; (2) certificates of age for children over regular work-permit age; (3) permits for work in street trades and theatrical performances; (4) certificates required to enforce night-work provisions; (5) special provisions for certificates for mentally retarded children, since the exemption of such children is often included in exemptions to the educational requirements, without provision for special certificates.

<sup>6</sup> Construction of law by State commissioner of labor and statistics, who may make rules and regulations to secure satisfactory evidence of age, is that employment certificates are to be issued by the said commissioner, proof of age being forwarded to him by the school authorities.

<sup>7</sup> Law specifies that State superintendent of public instruction must provide blanks for recording evidence of age and educational standing.

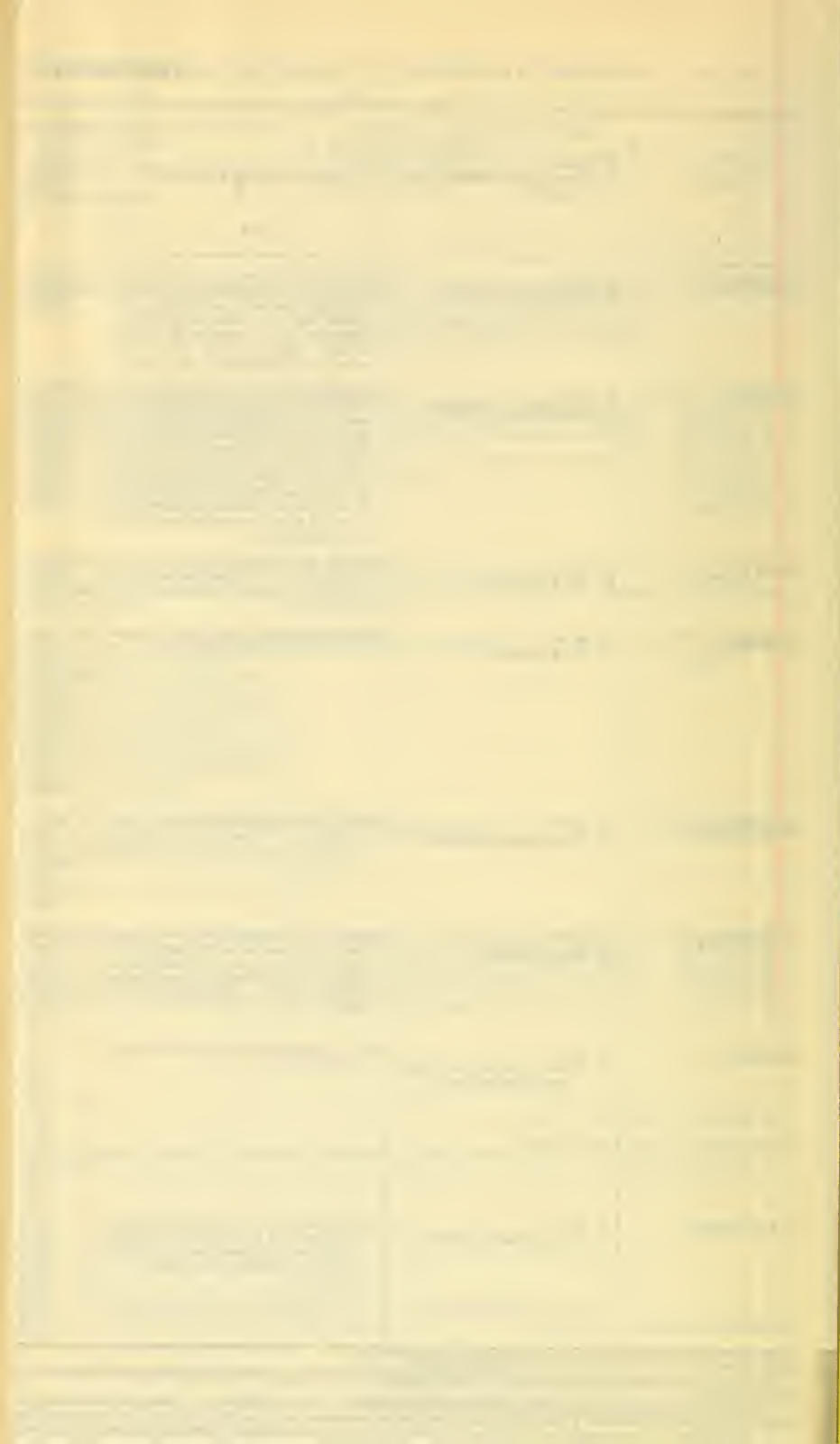




PROVISIONS OF STATE LAWS FOR METHODS OF CERTIFICATE ISSUANCE—Continued.

State.	A. Age. B. Name of certificate and time limit.	Certificate-issuing authority.	Provisions for State supervision of issuance (see also Column III). A. Forms. B. Reports <sup>2</sup> by issuing officer to higher au- thority, etc. C. Revocation of certificates. <sup>3</sup>	Provisions for supervision of child. A. Promise of employment. B. Certificate returned to issuing officer at termination of employment. C. Other (specify).	Authorities having power or duty to enforce law. <sup>4</sup>	Other certificates and permits. <sup>5</sup>	State.
I	II	III	IV	V	VI	VII	VIII
ILLINOIS.....	A. 14-16. B. Employment certificate.	Local superintendent of schools or his deputy, or where there is no superin- tendent, person authorized by school board or other local school authority; or in counties of first or second class, during vacation, county superintendent of schools.	A. Form given in law. B. Duplicate certificates sent to State depart- ment of labor.	A. Required. B. Returned to issuing officer immediately if child so demands, otherwise within 3 days. C. Issuing officer must send certificate to em- ployer by mail; employer must acknowl- edge receipt within 3 days.	State department of labor; factory in- spectors; truant officers.	None.....	ILLINOIS.
INDIANA.....	A. 14-18. B. Employment certificate.	Superintendent of schools of city or incorporated town, or his deputy, or county superintendent of schools or his deputy; but no school superin- tendent shall designate an issuing officer without approval of State at- tendance officer. During vacancy in superintendency of schools, pres- ident of board of school trustees or of board of school commissioners shall be issuing officer.	A. All forms prepared by State industrial board with cooperation of State department of at- tendance and furnished to issuing officers. B. Duplicates of certificates must be forwarded to State industrial board within 5 days after issuance. (See also Column VI.) C. State board of attendance or State industrial board may revoke certificate if improperly issued or if minor is illegally employed.	A. Required. B. Employer must notify issuing officer im- mediately of termination of child's employ- ment using blank form attached to certifi- cate. C. Certificate must be mailed to employer by issuing officer.	State industrial board; attendance officers. Employment certificates shall be issued under such rules and regulations as shall be adopted by State industrial board and State board of attendance, which are not inconsistent with the law and which will promote uniformity and effi- ciency in administration.	None.....	INDIANA.
IOWA.....	A. 14-16. B. Work permit.	Local superintendent of schools or his deputy, or where there is no superin- tendent, person authorized by school board.	A. State superintendent of public instruction shall formulate and furnish all forms. B. Duplicate certificates sent monthly to State commissioner of labor.	A. Required. B. Returned within 2 days. C. Permit "forwarded" to employer by issuing officer.	State commissioner of labor; factory inspectors; mayors and specified police or judicial officers.	None.....	IOWA.
KANSAS.....	A. 14-16. B. Work permit.	Superintendent of schools or his de- puty, or judge of juvenile court.	A. Permits must be issued on blanks furnished by State department of labor and industry (under court of industrial relations). B. Duplicate copy of permit, with statement of evidence ordered, must be sent "forthwith" to State department of labor and industry (under court of industrial relations). C. State department of labor and industry (un- der court of industrial relations) may re- voke permit if improperly or illegally issued or if physical or moral welfare of child can best be served by revocation.	A. Required. B. Returned within 2 days.	State department of labor and indus- try (under court of industrial rela- tions).	Vacation permit (14-16).....	KANSAS.
KENTUCKY.....	A. 14-16. B. Employment certificate.	Local superintendent of schools or his deputy, or where there is none, county superintendent of schools or his deputy.	A. All forms shall be drafted by State superin- tendent of public instruction and fur- nished to issuing officers. B. Monthly report to State commissioner of labor. C. State commissioner of labor may revoke certificate.	A. Required. B. Returned within 2 days.	State commissioner of labor and fac- tory inspectors; truant officers.	None.....	KENTUCKY.
LOUISIANA.....	A. 14-16. B. Age certificate.	State factory inspector, or New Orleans factory inspector, or, if specified evi- dence of age is not available, judge of a juvenile or district court before whom parent makes affidavit of child's age.	A. Blank certificates (in form prescribed by law) to be furnished by State factory inspector on request to issuing officers. B. Duplicates of certificates must be forwarded to State factory inspector for review. C. State factory inspector may cancel certificate fraudulently obtained.	A. Not required. (But issuing officer may re- quire physician's certificate showing child to be physically fit for "intended" work.) B. Certificate is to be returned to child, but, if not claimed by him within 30 days, to State factory inspector.	State commissioner of labor; parish, city, or town factory inspectors. (Attendance officers may inspect es- tablishments to enforce compulsory school attendance law.)	None.....	LOUISIANA.
MAINE.....	A. 15-16. B. Work permit (for work during school hours).	City or town superintendent of schools or his deputy.	A. All forms must be formulated by State com- missioner of labor (subject to approval by attorney general) and furnished to issuing officer. B. Duplicate permits, accompanied by original papers on which permit was issued, must be forwarded to department of labor and industry within 24 hours. C. Commissioner of labor and industry may order issuing officer to cancel permit if improperly issued.	A. Not specified in law, but forms furnished by State commissioner of labor (see Column IV) include one for promise of employ- ment. (Also issuing officer may require physician's certificate showing child to be physically fit for "intended" work.) B. Permit must be returned to child, but em- ployer must immediately notify commis- sioner of labor and industry. C. Employer must mail "beginning notice" to commissioner of labor and industry.	Commissioner of labor and industry; truant officers.	Vacation permit (14-16).....	MAINE.
MARYLAND.....	A. 14-16. B. Employment certificate.	In Baltimore city, State commissioner of labor and statistics; in counties either said commissioner or superin- tendent of schools or his deputy. <sup>3</sup>	A. All forms must be formulated and supplied by State commissioner of labor and statis- tics (according to law preliminary papers stating necessary facts need not be rejected because on other forms). B. Duplicate copies of certificates issued in counties and records or refusals must be sent to State commissioner of labor and statistics.	A. Required. B. Returned to issuing officer within 24 hours if return is demanded by child, otherwise within 15 days; issuing officers shall notify commissioner of labor and statistics of return. C. Certificate is good only for occupation named therein.	State commissioner of labor and statis- tics; attendance officers.	Vacation certificate (14-16).....	MARYLAND.
MASSACHUSETTS.....	A. 14-16. B. Employment certificate.	Superintendent of schools or his de- puty, or where there is no superinten- dent, person authorized by school committee.	A. All forms must be prepared by State de- partment of labor and industries (after conference with State department of edu- cation and approval by attorney general) and furnished to issuing officers. B. Such records and statistics as may be pre- scribed by State department of education shall be kept in issuing office and open to inspection of that department.	A. Required; must set forth character of specific employment. B. Returned within 2 days to office of local superintendent of schools or school com- mittee.	Department of labor and industries; attendance officers. (See also Col- umn IV, B.)	Special home permit (14-16); special certificate for farm work and private domestic service (14-16); special cer- tificates for children in cooperative courses (14 and over); limited vaca- tion certificate permitting employ- ment on days when schools are not in session (14-16); educational cer- tificate to literates (16-21); educa- tional certificate to illiterates (16-21).	MASSACHUSETTS.

<sup>2</sup> In practice certificates in counties are issued by physicians appointed by county superintendents of schools to give physical examinations. Cooperation between county superintendents and State commissioner in regard to these appointments gives the latter in fact more control over appointments than law would indicate.





PROVISIONS OF STATE LAWS FOR METHODS OF CERTIFICATE ISSUANCE—Continued.

State.	A. Age. B. Name of certificate and time limit.	Certificate-issuing authority.	Provisions for State supervision of issuance (see also Column III). A. Forms. <sup>1</sup> B. Reports <sup>2</sup> by issuing officer to higher au- thority, etc. C. Revocation of certificates. <sup>3</sup>	Provisions for supervision of child. A. Promise of employment. B. Certificate returned to issuing officer at termination of employment. C. Other (specify).	Authorities having power or duty to enforce law. <sup>4</sup>	Other certificates and permits. <sup>5</sup>	State.
I	II	III	IV	V	VI	VII	VIII
MICHIGAN.....	A. 15-17 (required 16-17 only where continuation schools are established). B. Work permit (for work during school hours).	Superintendent of schools of school district or county commissioner of schools or his deputy.	A. No provisions; law gives certain details which certificate must contain.	A. Not specifically required by law, but certificate is good for only one employer; also, issuing officer may require physician's certificate showing child to be physically fit for "intended" work. B. Returned immediately.	Commissioner of labor and State fac- tory inspectors.	Vacation permit (14-17; permit re- quired 16-17 only where continua- tion schools are established).	MICHIGAN.
MINNESOTA.....	A. 14-16. B. Employment certificate.	Local superintendent of schools or his deputy, or, where there is none, chairman of school board or board of education or his deputy.	A. No provision; law gives certain details which certificate must contain. B. Monthly report to industrial commission.	A. Law does not specifically make re-quirement, but reports to State industrial commission must specify name of employer and nature of occupation. (See also B, below.) B. Returned to issuing officer (no date specified).	State industrial commission; truant officers.	None.....	MINNESOTA.
MISSISSIPPI.....	No certificate system. For employment of boy 12-16, girl 14-16, employer must obtain affidavit of child's age from parent or guardian.....						MISSISSIPPI.
MISSOURI.....	A. 14-16 while school is in ses- sion; under 14 at other times. B. Permit certificate good only for 3 months. <sup>6</sup>	Superintendent or principal of public school of district or some person ap- pointed by order of board of direc- tors, board of education, or body having supervision of public schools.	A. Form for permit prepared by State su- perintendent of public schools. B. Report giving name, age, and occupation of each child to whom a permit has been issued, together with date of issuance, must be sent quarterly to State industrial inspector. C. State industrial inspector may cancel permit certificate "for cause."	A. No specific provision, but issuing officer must be satisfied work is not dangerous or injurious. B. Law does not specify. (See C, below.) C. Certificate must be renewed every three months.	State industrial inspector.....	None.....	MISSOURI.
MONTANA.....	A. 14-16 (Age extended to 18 where continuation schools are established.) B. Age and schooling certi- ficate.	City superintendent of schools or "principal of schools" or his deputy, or, where there is no such superin- tendent or principal, county superin- tendent of schools.	A. Certificate shall be formulated by State su- perintendent of public instruction and fur- nished by clerk of board of trustees.	A. Law does not specify, but see B, below..... B. Employer must return certificate "promptly" to issuing officer.	Truant officers; State bureau of child and animal protection.	None.....	MONTANA.
NEBRASKA.....	A. 14-16. B. Employment certificate.	Superintendent of schools or his de- puty, or where there is no superin- tendent, person authorized by school-district officers.	A. Form of certificate and school record pre- scribed by law. B. Duplicate copies of certificates must be fur- nished to State department of labor.	A. Not specified in law. (But issuing officer may require physician's certificate show- ing child to be physically fit for "intend- ed" work.) B. Certificate belongs to child. Upon termina- tion of employment, certificate must be returned "forthwith" to local superintend- ent of schools, who shall turn it over to child on demand.	State department of labor; truant officers.	None.....	NEBRASKA.
NEVADA.....	A. 14-18. B. Permit for exemption from school attendance. C. Boy under 14, girl under 16, B. Permit.	Attendance officer or board of school trustees. Judge of county or district court.....	No provision..... No provision.....	A. Not required..... B. Returned (no date specified). A. Not required.....	School-attendance officers..... State labor commissioner. (Attend- ance officers may inspect establish- ments to enforce compulsory school attendance law.)	None..... None.	NEVADA.
NEW HAMPSHIRE.....	A. 14-16. B. Employment certificate.	Superintendent of schools, or, in his absence, person appointed by school board; in Manchester, person named by superintendent with assent of school board. (Superintendents are employees of State board of educa- tion and under its control. See also Column VI.)	A. All forms must be prescribed and furnished by State board of education. B. Method of keeping records prescribed by State board of education, which enforces certificate law. C. Not specified, but State board of education has control over issuance.	A. Required by State board of education..... B. Certificate is to be kept by employer and surrendered to any authorized inspector on demand.	State board of education and its in- spectors; truant officers. <sup>10</sup> Govern- ment with advice and consent of coun- cil may compel school boards to em- ploy additional truant officers and to remove any truant officers found incompetent, and upon their failure or neglect to do so he may appoint truant officers and fix their compen- sation, such compensation to be paid by the district.	Vacation certificate (14-16).....	NEW HAMPSHIRE.
NEW JERSEY.....	A. 14-16. B. Age and schooling certi- ficate.	Supervisor of school-exemption cer- tificates (any superintendent of schools, supervising principal, "or principal or teacher of any school district" designated for purpose by district board of education).	A. State commissioner of education shall pre- pare and furnish all forms. B. Original papers upon which certificate was granted must be sent immediately to State commissioner of labor. C. Certificate may be revoked by State com- missioner of education, who is notified by State commissioner of labor when certi- cate is found to have been improperly issued.	A. Not specified in law, but see C, below..... B. Returned within 2 days. C. Issuing officer must give to child granted age and schooling certificate a blank "employ- er's certificate," which must be filled out by employer (to whom child surrenders age and schooling certificate upon secur- ing employment), showing date of begin- ning work and nature of work, and must be returned to issuing officer within 2 days.	State commissioner of labor. Certi- ficates are open to inspection of attendance officers, police officers, or any person designated by law to protect children from cruelty and neglect.	Age and working certificate (10-16) for work outside school hours, issued to child who desires to assist in sup- porting himself or family; certificate for child attending vocational school and employed part time.	NEW JERSEY.
NEW MEXICO.....	The only mention of employment certificates in the law is a provision of the compulsory school attendance law permitting children 14-16 to be excused from attendance to enter employment on certificate issued by city or county school superintendent upon assurance that child is then or is about to be employed in some gainful trade or occupation. The State bureau of child welfare (in the State department of public welfare), under its general powers, furnishes forms for certificates and preliminary papers to city or county superintendents, the use of which said bureau states is obligatory, and requires monthly reports of number of certificates issued. Forms show that certificates are to be returned to issuing office. "Poverty permit" may be issued to child under 14.						NEW MEXICO.

<sup>1</sup> Renewed upon a satisfactory showing that a necessity exists for continuation of child's employment and that child is in good health.

<sup>10</sup> State labor commissioner, "whenever he shall deem it necessary," has general authority to prosecute violations of law "regulating the employment of help."



PROVISIONS OF STATE LAWS FOR METHODS OF CERTIFICATE ISSUANCE—Continued.

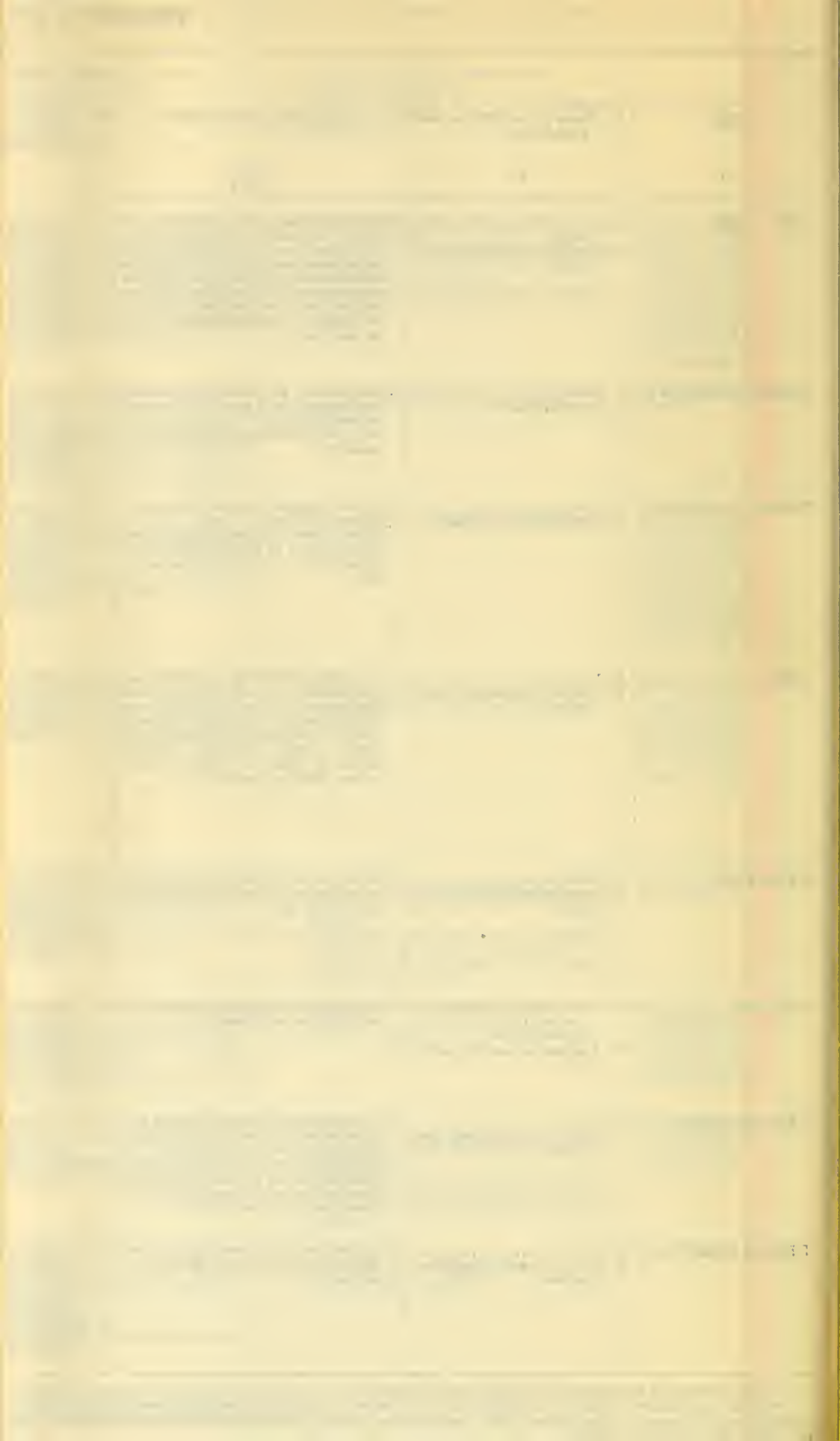
State.	A. Age. B. Name of certificate and time limit.	Certificate-issuing authority.	Provisions for State supervision of issuance (see also Column III). A. Forms. <sup>1</sup> B. Reports <sup>2</sup> by issuing officer to higher authority, etc. C. Revocation of certificates. <sup>3</sup>	Provisions for supervision of child. A. Promise of employment. B. Certificate returned to issuing officer at termination of employment. C. Other (specify).	Authorities having power or duty to enforce law. <sup>4</sup>	Other certificates and permits. <sup>5</sup>	State.
I	II	III	IV	V	VI	VII	VIII
NEW YORK.....	A. 14-16 (after Sept. 1, 1925, 14-17). B. General employment certificate.	Superintendent of schools in cities and school districts having population of 4,500 or more, elsewhere district superintendent of schools. Superintendents, under rules made by State commissioner of education, may deputize such public-school officials other than attendance officers as may be necessary.	A. Commissioner of education is authorized to prescribe form and content of all "certificates" (includes all subsidiary forms) except that commissioner of health must approve form for record of physical examination and industrial commissioner must approve form for employment certificate. B. and C. State commissioner of education has general supervision of enforcement. (See Column VII.)	A. Required for children 14-16. B. Minor's identification certificate (or if he leaves without surrendering it, the employment certificate) must be mailed to issuing officer "at once." C. Employer must report beginning of minor's employment to issuing officer within 3 days.	Industrial commissioner; attendance officers; local superintendents of schools. State commissioner of education shall supervise enforcement and he may withhold one-half of all public-school moneys from any city or district which in his judgment willfully omits and refuses to enforce provisions of this article, after due notice, as long as such omission and refusal shall continue.	General employment certificate for agricultural work (14-16; after Sept. 1, 1925, 14-17); vacation employment certificate (14-16).	NEW YORK.
NORTH CAROLINA.....	A. 14-16. B. Age certificate. <sup>11</sup>	Such persons as State child-welfare commission shall prescribe (county superintendents of public welfare and other authorized agents of commission).	A. State child-welfare commission has entire control over issuance and prescribes forms. B. See A. above. C. State child-welfare commission may revoke certificate issued on false evidence or whenever a condition is found that will injure the health or morals of the child. (See also A.)	A. Required by State child-welfare commission. B. No provision (apparently certificate belongs to child).	State child-welfare commission and its agents.	Special certificate for boy 12-14 for employment outside school hours and during vacation. (Rule of State child-welfare commission.)	NORTH CAROLINA.
NORTH DAKOTA.....	A. 14-16. B. Employment certificate.	City or village superintendent of schools; if there is none, clerk of school board or board of education. (State board of administration has supervision over administration of law.)	A. All forms prescribed and furnished by State board of administration. B. No specific provision. (State board of administration has supervision over administration of law.) C. No specific provision. (State board of administration has supervision over administration of law.)	A. Required. B. Certificate must be returned "forthwith" to issuing officer.	State board of administration must exercise supervision over administration of law; must also enforce law. The following officials may demand from employers proof of age of children apparently under 16 whose certificates are not on files as required by law: Peace officers; specified local school officials; agents of board of administration; agents of county board of child welfare, if any.	Vacation certificate (14-16); certificate for work outside school hours (14-16).	NORTH DAKOTA.
OHIO.....	A. 16-18. B. Age and schooling certificate.	City, exempted village, or county superintendent of schools, or person designated by him, or if there is no superintendent, president of local board of education; appeal from refusal to grant certificate may be taken to judge of juvenile court, whose decision shall be final.	A. Certificate forms shall be formulated by superintendent of public instruction and furnished by him on request. He shall also have power to prescribe methods of filing all records and papers kept in issuing office.	A. Required. B. Certificate, or notice of its "nonuse," must be returned to issuing officer within 2 days.	Industrial commissioner; attendance officers. Certificate is subject to inspection by attendance officers, probation officers, school superintendents, representatives of district board of health, or State department of health, or employees or inspectors of board of State charities.	"Limited" certificate issued to child whose complete physical ability can not be vouched for (16-18); vacation certificate for work during summer school vacation (14-18); "special" certificate for work outside school hours or for child in cooperative classes and employed part time (14-18); "conditional" certificate issued under specified conditions to child unable to fulfill educational requirements but not usually retarded (16-18).	OHIO.
OKLAHOMA.....	A. 14-16. B. Age and schooling certificate.	County superintendent of public instruction or other school official designated by him.	A. Blank forms of school records and of certificate, in form "as indicated" in law, are to be supplied to issuing officers by State superintendent of public instruction. B. Duplicate certificates must be sent by issuing officer to commissioner of labor.	A. Not specified in law. (But issuing officer may require physician's certificate showing child to be physically fit for "intended" work.) B. Certificate must be surrendered "forthwith" to child or his parent or guardian, but if not claimed by child within 30 days, sent to commissioner of labor.	State commissioner of labor; factory inspectors; truant officers.	None.....	OKLAHOMA.
OREGON.....	A. 14-16 (age extended to 18 under continuation school law). <sup>12</sup> B. Age and schooling certificate.	State board of inspectors of child labor or deputy of said board.	A. Certificate form and subsidiary forms, except physician's certificate of physical fitness, are prepared and furnished by State board of inspectors of child labor under its general power of supervision. B. and C. State board of inspectors of child labor has entire control of issuance.	A. Required by State board of inspectors of child labor. B. and C. See footnote 12.	State board of inspectors of child labor. Commissioner of labor shall "cause to be enforced all the laws regulating the employment of children." Certificate is open to inspection of local school authorities and police officers.	Vacation permit for work not harmful to health or morals (12-14).	OREGON.
PENNSYLVANIA.....	A. 14-16. B. General employment certificate.	In public-school districts having district superintendent or supervising principal, such superintendent or supervising principal; to other districts, secretary of board of school directors; or any other school official deputized by either of above.	A. All certificates must be issued on forms supplied by State superintendent of public instruction. B. and C. State superintendent of public instruction has general supervisory powers.	A. Required. B. Returned to issuing officer by mail immediately if child demands return, otherwise to employer, who must acknowledge receipt within 3 days after child begins employment. C. Employment certificate is mailed by issuing officer to employer, who must acknowledge receipt within 3 days after child begins employment.	State commissioner of labor and industry; State superintendent of public instruction; attendance officers; police officers.	Vacation certificate (14-16); special permit exempting from school attendance child engaged in farm work or domestic service (11-16).	PENNSYLVANIA.
RHODE ISLAND.....	A. 14-16. <sup>13</sup> B. Age and employment certificate.	Certificate must be issued by or under direction of city or town school committee.	A. Certificates must be uniform throughout State and in form given in law or such "substantially similar" form as may be approved by secretary of State board of education. B. No specific provision. C. Factory inspector may order certificates canceled if illegally issued.	A. Required. B. Returned within 3 days. C. Certificate must be "delivered" to employer and in no case to child.	Factory inspectors; truant officers.....	None.....	RHODE ISLAND.

<sup>11</sup> This certificate is not specifically required, but, if obtained, it is prima facie evidence that child is of legal age for employment.

<sup>12</sup> Under continuation school law, certificates are to be issued by board of inspectors of child labor, or deputy, to children 14-18, upon fulfillment of requirements for age and schooling certificate; employer must notify issuing officer within 5 days of child's employment and must return certificate to issuing officer within five days.

<sup>13</sup> After September 1, 1924, 15-16 for work during school hours.





PROVISIONS OF STATE LAWS FOR METHODS OF CERTIFICATE ISSUANCE—Continued.

State.	A. Age. B. Name of certificate and time limit.	Certificate-issuing authority.	Provisions for State supervision of issuance (see also Column III). A. Forms. <sup>1</sup> B. Reports <sup>2</sup> by issuing officer to higher authority, etc. C. Revocation of certificates. <sup>3</sup>	Provisions for supervision of child. A. Promise of employment. B. Certificate returned to issuing officer at termination of employment. C. Other (specify).	Authorities having power or duty to enforce law. <sup>4</sup>	Other certificates and permits. <sup>5</sup>	State.
I	II	III	IV	V	VI	VII	VIII
SOUTH CAROLINA.	A. 14-16. B. Employment permit.	Commissioner of agriculture, commerce, and industries.	A. Forms furnished by commissioner of agriculture, commerce, and industries. B. Commissioner of agriculture, commerce, and industries shall prescribe regulations for keeping proper records of children employed. C. See Column III.	A. Not required. B. No provision (apparently permit belongs to child).	State commissioner of agriculture, commerce, and industries.	Certificate of exemption from school attendance for employment of child under 14 during school hours.	SOUTH CAROLINA.
SOUTH DAKOTA.	A. 14-16. B. Employment certificate.	County superintendent of schools or his deputy.	No provision.	A. Not required. B. No provision (apparently certificate belongs to child).	Establishments are "subject to visitation" by county superintendent of schools. State child-welfare commission shall enforce laws of State for protection of children employed in industries of State. <sup>4</sup>	"Poverty permit" issued to child under 14.	SOUTH DAKOTA.
TENNESSEE.	A. 14-16. B. Employment certificate.	County superintendent of schools or his deputy.	No provision.	A. Not required. B. No provision (apparently certificate belongs to child).	State inspector of workshops and factories; attendance officers.	None.	TENNESSEE.
TEXAS.	No "regular certificate." Children over 12 but under regular minimum age (15) may secure permit from county judge (on proof of poverty), employer to post permit; permit issued for 6 months, and may be renewed by issuing officer. Permits to be issued only upon affidavit of parent or child that "suitable" employment has been obtained and that the child shall not be employed in certain specific occupations, and it is a permit "to enter such employment." State commissioner of labor statistics has power of inspection and has duty of enforcement of any law relating to employment of children "if he shall learn of any violation."						TEXAS.
UTAH.	A. Under 18. <sup>1</sup> B. Age and schooling certificate.	District superintendent of schools.	No provision.	A. Not required. B. Returned within 5 days. C. Employer to notify issuing officer within 5 days after beginning of employment.	District board of education.	None.	UTAH.
VERMONT.	A. 14-16. B. Employment certificate.	State commissioner of industries. [District superintendent of schools shall, when so ordered by commissioner of education, examine child to see whether eligible (as to educational requirements) for certificate, and shall make a written report to commissioner of education, who shall forthwith transmit copy to commissioner of industries.]	No provision specified in law. Commissioner of industries has entire control over issuance.	A. Not specified in law. B. No provision (apparently certificate belongs to child).	State commissioner of industries.	None.	VERMONT.
VIRGINIA.	A. 14-16. B. Employment certificate. <sup>10</sup>	Chief school-attendance officer, or, if there is no attendance officer, division superintendent of schools, or any person designated by him.	A. Commissioner of labor prescribes and supplies blanks. B. Duplicate certificates must be sent to State commissioner of labor. C. See Column VI.	A. Required. B. Returned within 7 days. (Failure to return shall be cause for refusal of further certificates for work for such employer.) C. Certificate mailed to employer by issuing officer; beginning notice returned within 7 days. (See also footnote 16.)	State commissioner of labor and his deputies or inspectors. (State commissioner of labor shall supervise work of issuing officers and make rules and regulations for carrying out purposes of act.) Certificates are open to inspection of attendance officers.	None.	VIRGINIA.
WASHINGTON.	A. 14-18. <sup>11</sup> B. "Permit to leave school and enter upon employment."	Local board of school directors or "permit officer" appointed by it; (in practice, also industrial-welfare committee of State department of labor and industry). <sup>12</sup>	A. No provision in law. <sup>13</sup> B. Duplicate copies of data in permits issued must be sent quarterly to superintendent of public instruction, who transmits them to State commissioner of labor. C. See footnote 18.	A. Implicitly required, because before granting permit issuing officer must determine that "minor may legally engage in such employment." B. Returned within 10 days. C. Employer must notify issuing officer within 10 days after beginning of employment.	Local boards of education; attendance officers; industrial-welfare committee of State department of labor and industry. <sup>14</sup>	"Poverty permit" from superior-court judge issued to child 12 or over; permit required under labor law for boy under 14 and girl under 16, issued by superior-court judge; school-exemption certificate.	WASHINGTON.
WEST VIRGINIA.	A. 14-16. B. Work permit.	City or county superintendent of schools or person authorized by him.	A. All forms must be prepared by State commissioner of labor and furnished by him to issuing officers. B. Duplicates of permits must be forwarded to State commissioner of labor within 4 days of issuance. Issuance of permits is under supervision of State superintendent of free schools, who "shall seek to standardize" this work. C. State commissioner of labor may revoke permit if improperly issued.	A. Required. B. Returned within 2 days.	State commissioner of labor; factory inspectors; accredited agents of humane society; truant officers.	Special permit for boy over 12 for specified work outside school hours; vacation permit (14-16).	WEST VIRGINIA.
WISCONSIN.	A. 14-17. B. Labor permit.	Industrial commission, or a judge of a county, municipal, or juvenile court designated by the commission, or some other person designated by the industrial commission.	A. All forms formulated and furnished by industrial commission. B. Duplicate permits must be sent to industrial commission with statement of evidence offered, on blanks furnished by commission. Commission has control over issuance and therefore may require reports. C. Industrial commission may revoke permit if improperly or illegally issued or if physical or moral welfare would be best served by revocation.	A. Required. B. Returned within 24 hours.	Industrial commission; truant officers.	Vacation permit for work in specified occupation (12-14).	WISCONSIN.
WYOMING.	No certificate system applicable to general occupations provided by law						WYOMING.

<sup>1</sup> This commission is primarily one to investigate conditions relating to child welfare and to recommend legislation.

<sup>2</sup> Under continuation school law only; old labor law required permit for child over 14 from local school officials but specified no requirements.

<sup>3</sup> Invalid after 12 months unless a new certificate of physical fitness is obtained and filed with issuing officer.

<sup>4</sup> Applies only where continuation schools are established; in addition, labor law requires permit from superior-court judge for boy under 14 or girl under 16, but no requirements for this permit are specified.

<sup>10</sup> Industrial-welfare committee of State department of labor and industry has duty of "supervising the administration of all laws relating to the employment of minors." In practice this committee, as well as the school officials, issues certificates. It also furnishes forms for permits and for minor's application for permit.





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